



PUBLIC WORKS GUIDEBOOK

Standards for a solid foundation

**MISSOURI
DEPARTMENT OF LABOR
& INDUSTRIAL RELATIONS**

Public Works Guidebook

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DEPARTMENT DIRECTOR

JOHN E. LINDSEY
DIVISION DIRECTOR

To All Public Officials/Contractors Working on Public Works Projects:

To assist you in complying with the laws surrounding public works projects, my office has provided you with a guidebook containing check off lists (one for public bodies, one for contractors), copies of the laws you need to be familiar with, forms you are required to fill out, and other important information to assist you with projects benefiting the public. Should you or your colleagues need assistance, the Missouri Department of Labor and Industrial Relations is ready and willing to help.

As you know it is the express public policy of the state of Missouri that a wage of no less than the prevailing hourly rate of wages be paid to all workmen employed by or on behalf of any public body engaged in public works exclusive of maintenance work. The local and state economy benefit from public works dollars through increases in sales tax and corporate tax revenue and ensuring that construction in Missouri remains a highly trained occupation capable of producing quality projects.

Missouri's prevailing wage law requires this Department to diligently investigate any alleged violation. To underscore the importance of these duties, note that the prevailing wage law further states that any officer, official, member, agent or representative of any public body, contractor or subcontractor who willfully violates and omits to comply with the prevailing wage law will be punished by a fine of up to five hundred dollars, by imprisonment of up to six months, or both. Each day that a violation or omission continues constitutes a separate offense.

We want to remind you of the importance of your obligations to ensure compliance with the laws of the state of Missouri. If you have any questions regarding this issue, please do not hesitate to contact the Division of Labor Standards at 573-751-3403 or prevailingwage@labor.mo.gov.

Thank you for your attention to this matter.

John E. Lindsey
Director

*Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program.
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**MISSOURI PUBLIC WORKS PROJECTS
PUBLIC BODY CHECK-OFF LIST**

The Division of Labor Standards (DLS) is providing this check-off list to assist public entities in being compliant with Missouri's labor laws applicable to public construction projects. The Prevailing Wage Law requires that not less than the locally prevailing wages be paid to workers on every construction project in the state that is for the public use or benefit or that uses public funds. Failure to comply with the Prevailing Wage Law may constitute a misdemeanor for the employer and for the public official that does not fulfill the responsibilities it imposes. The Construction Safety Training Act mandates that all employees working on the site of public works construction projects must have received safety training.

I Before Contract Is Let

- ☐ Before the contract is let, you must request and receive a [wage order](#) from the DLS (Sections [290.250](#) and [290.325](#), RSMo) by submitting a **Request for Wage Determination** form (PW-3) to the Division. The Division e-mails those requesting wage orders a password with further instructions on how to obtain a wage order.
- ☐ Attach the wage order provided by DLS to, and make it a part of, the specifications for the work to be performed under the contract (Section [290.250](#) and [290.325](#), RSMo).
- ☐ Create a contract which incorporates the following:
 - ☐ Insert a statement such as: “**Not less** than the prevailing hourly rate of wages, as set out in the wage order attached to and made part of the specification for work under the contract, **shall** be paid to all workers performing work under the contract.” (Section [290.250](#), RSMo).
 - ☐ Insert a statement such as: “The contractor will forfeit a penalty to the contracting public body of \$100 per day (or portion of a day) for each worker that is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor.” (Section [290.250](#), RSMo). For detailed information on rules and occupational titles, see [8 CSR 30-3.010 through 3.060](#).
 - ☐ Insert a statement such as: “The contractor and all subcontractors to the contract must require all on-site employees to complete the ten-hour construction safety training program required under Section [292.675](#), RSMo, unless they have previously completed the program and have documentation of having done so.”
 - ☐ Insert a statement such as: “The contractor will forfeit a penalty to the contracting public body of \$2500 plus an additional \$100 for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training.” (Section [292.675](#), RSMo).
- ☐ Before any work begins, you must send a **Prevailing Wage Project Notification – Contractor Information Notification** form (PW-2) to the DLS. Send it when the contract is awarded to ensure the DLS receives it timely (Section [290.262.10](#), RSMo, and [8 CSR 30-3.010\[3\]](#)).
- ☐ Verify if a wage subsidy, bid supplement, or rebate was provided, and if so, if it was provided lawfully. The amount and date of such subsidy, supplement or rebate **must** be reported to the public body within 30 days of receipt of payment (Section [290.095](#), RSMo).

II

While Contract Is Being Performed

- ☐ If you are aware of any possible prevailing wage violation, you must report it to the DLS using the **Prevailing Wage Complaint** form (PW-6). The DLS will assist you and your staff with complying with the law. A public body cannot make final payment until full compliance with the law has been achieved.
- ☐ A legible list of all prevailing wage rates **must remain** posted in a prominent and easily accessible place at the worksite by each contractor and subcontractor on the project. **Require** the notice to be posted during the full time that any worker is employed on the job (Section [290.265](#), RSMo).
- ☐ Review records of wages paid to all workers employed on the contract to assure workers are paid properly (Section [290.290](#), RSMo). Records must be kept within the state by the contractor and each subcontractor for a period of one year following completion of the public works project. DLS provides a Contractor Payroll Records form ([LS-57](#)) for contractors and subcontractors to use to assure provision of the payroll information required ([8 CSR 30-3.010](#)[7]).

III

Before Contract Is Fully Paid

- ☐ Before final payment can be made, the general contractor and all subcontractors **must** file an **Affidavit of Compliance** form (PW-4) with the contracting public body. The affidavit must state the party has fully complied with Missouri Prevailing Wage Law, and the public body must verify that the correct wages were paid. No payment can be legally made by the public body to the contractor(s) until the affidavit is filed in proper form and order with the public body (Section [290.290](#) and [290.325](#), RSMo).
- ☐ It shall be the duty of such public body awarding the contract, and its agents and officers, to take cognizance of all complaints of all violations of the provisions of section 290.210 to 290.340 committed in the course of the execution of the contract, and, when making payments to the contractor becoming due under the contract, to withhold and retain therefrom all sums and amounts due and owing as a result of any violation of section 290.210 to 290.340 (Section [290.250.1](#), RSMo).

Failure to comply with the requirements of the Prevailing Wage Law can result in civil action, including an injunction stopping work on a project, and in criminal fines of up to \$500 and up to six months imprisonment for **each day** there is a violation.

The Division of Labor Standards is available to answer questions and provide assistance with prevailing wage project compliance. Contact us anytime at:

Missouri Department of Labor and Industrial Relations
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P.O. Box 449
Jefferson City, MO 65102-0449
Phone: 573-751-3403 Fax: 573-751-3721

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**MISSOURI PUBLIC WORKS PROJECTS
CONTRACTOR CHECK-OFF LIST**

The Division of Labor Standards (DLS) is providing this check-off list to assist contractors in being compliant with Missouri's labor laws applicable to public construction projects. The Prevailing Wage Law requires that not less than the locally prevailing wages be paid to workers on every construction project in the state that is for the public use or benefit or that uses public funds. Failure to comply with the Prevailing Wage Law may constitute a misdemeanor for the employer and for the public official that does not fulfill the responsibilities it imposes. The Construction Safety Training Act mandates that all employees working on the site of public works construction projects must have received safety training.

I**Before Contract Is Let**

- ☐ The wage order provided by DLS must be made a part of the specifications for the work to be performed under the contract (Section [290.250](#) and [290.325](#), RSMo).

II**While Contract Is Being Performed**

- ☐ All workers performing work under a public construction contract **must** be paid **not less** than the prevailing hourly rate of wages (as set out in the wage order attached to and made part of the specification for work under the contract). (Section [290.250](#), RSMo).

The contractor will forfeit a penalty to the contracting public body of \$100 per day (or portion of a day) for each worker that is paid less than the prevailing rate for any work done under the contract by the contractor or by any subcontractor (Section [290.250](#), RSMo). For detailed information on rules and occupational titles, see [8 CSR 30-3.010 through 3.060](#).

- ☐ The contractor and all subcontractors to the contract must require all on-site employees to complete the ten-hour construction safety training program required under Section [292.675](#), RSMo, if they have not previously completed the program and have documentation of having done so.

The contractor will forfeit a penalty to the contracting public body of \$2500 plus an additional \$100 for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. (Section [292.675](#), RSMo).

- ☐ A legible list of all prevailing wage rates **must remain** posted in a prominent and easily accessible place at the worksite by each contractor and subcontractor on the project. The notice must be posted during the full time that any worker is employed on the job (Section [290.265](#), RSMo).
- ☐ The payroll records required to be so kept shall be open to inspection by any authorized representative of the contracting public body or of DLS at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for the period of one year following the completion of the public work in connection with which the records are made (Section [290.290](#), RSMo). DLS provides a Contractor Payroll Records form ([LS-57](#)) for contractors and subcontractors to use to assure provision of the payroll information required ([8 CSR 30-3.010](#)[7]).

III Before Contract Is Fully Paid

- ☐ Before final payment can be made, the general contractor and all subcontractors **must** file an **Affidavit of Compliance** (PW-4) with the contracting public body. The affidavit must affirm under oath that the party has fully complied with Missouri Prevailing Wage Law, and the public body must verify that the correct wages were paid. No payment can be legally made by the public body to the contractor(s) until the affidavit is filed in proper form and order with the public body (Section [290.290](#) and [290.325](#), RSMo).
- ☐ It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of any such subcontractor's failure to comply with the terms of sections 290.210 to 290.340, and if payment has already been made to him, the contractor may recover from the subcontractor the amount of the penalty in a suit at law (Section [290.250.1](#), RSMo).

Failure to comply with the requirements of the Prevailing Wage Law can result in civil action, including an injunction stopping work on a project, and in criminal fines of up to \$500 and up to six months imprisonment for **each day** there is a violation.

The Division of Labor Standards is available to answer questions and provide assistance with prevailing wage project compliance. Contact us anytime at:

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Chapter 67

Political Subdivisions, Miscellaneous Powers

Section 67.307

August 28, 2014

Sanctuary policies for municipalities prohibited--definitions--duty of law enforcement to cooperate in immigration enforcement.

67.307. 1. As used in this section, the following terms mean:

(1) "Law enforcement officer", a sheriff or peace officer of a municipality with the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of municipalities;

(2) "Municipality", any county, city, town, or village;

(3) "Municipality official", any elected or appointed official or any law enforcement officer serving the municipality;

(4) "Sanctuary policy", any municipality's order or ordinance, enacted or followed that:

(a) Limits or prohibits any municipality official or person employed by the municipality from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within such municipality; or

(b) Grants to illegal aliens the right to lawful presence or status within the municipality in violation of federal law.

2. No municipality shall enact or adopt any sanctuary policy. Any municipality that enacts or adopts a sanctuary policy shall be ineligible for any moneys provided through grants administered by any state agency or department until the sanctuary policy is repealed or is no longer in effect. Upon the complaint of any state resident regarding a specific government entity, agency, or political subdivision of this state or prior to the provision of funds or awarding of any grants to a government entity, agency, or political subdivision of this state, any member of the general assembly may request that the attorney general of the state of Missouri issue an opinion stating whether the government entity, agency, or political subdivision has current policies in contravention of this section.

3. The governing body, sheriff, or chief of police of each municipality shall provide each law enforcement officer with written notice of their duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

4. This section shall become effective on January 1, 2009.

(L. 2008 H.B. 1549, et al.)

Effective 1-01-09

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.210

August 28, 2013

Definitions.

290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise:

- (1) "Adjacent county", any Missouri county of the third or fourth classification having a boundary that, at any point, touches any boundary of the locality for which the wage rate is being determined;
- (2) "Collective bargaining agreement" means any written agreement or understanding between an employer or employer association and a labor organization or union which is the exclusive bargaining representative of the employer's or employer association's employees pursuant to the terms of the National Labor Relations Act and which agreement or understanding or predecessor agreement or understanding has been used to determine an occupational title wage rate;
- (3) "Construction" includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair;
- (4) "Department" means the department of labor and industrial relations;
- (5) "Labor organization" or "union" means any entity which has been designated pursuant to the terms of the National Labor Relations Act as the exclusive bargaining representative of employees of employers engaged in the construction industry, which entity or affiliated entity has ever had a collective bargaining agreement which determined an occupational title wage rate;
- (6) "Locality" means the county where the physical work upon public works is performed;
- (7) "Maintenance work" means the repair, but not the replacement, of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased;
- (8) "Prevailing hourly rate of wages" means the wages paid generally, in the locality in which the public works is being performed, to workmen engaged in work of a similar character including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made to a fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workmen and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal or state law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of irrevocable

contributions by the assumption of an enforceable commitment to bear the costs of a plan or program as provided herein, or any combination thereof, where the aggregate of such payments, contributions and costs is not less than the rate of pay plus the other amounts as provided herein;

(9) "Previous six annual wage order reporting periods" means the current annual wage order reporting period under consideration for wage rate determinations and the five immediately preceding annual wage order reporting periods*;

(10) "Public body" means the state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds;

(11) "Public works" means all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. It also includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility. It does not include any work done for or by any drainage or levee district;

(12) "Workmen" means laborers, workmen and mechanics.

(L. 1957 p. 574 § 1, A.L. 1965 p. 438, A.L. 1969 S.B. 142, A.L. 2013 H.B. 34)

*Word "period" appears in original rolls.

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.220

August 28, 2013

Policy declared.

290.220. It is hereby declared to be the policy of the state of Missouri that a wage of no less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed shall be paid to all workmen employed by or on behalf of any public body engaged in public works exclusive of maintenance work.

(L. 1957 p. 574 § 2)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.230

August 28, 2014

Prevailing wage rates required on construction of public works.

290.230. 1. Not less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed, and not less than the prevailing hourly rate of wages for legal holiday and overtime work, shall be paid to all workmen employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work. Only such workmen as are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works. Any such workman who agrees in writing to volunteer his or her labor without pay shall not be deemed to be employed upon public works, and shall not be entitled to the prevailing hourly rate of wages. For the purposes of this section, the term "workman who agrees in writing to volunteer his or her labor without pay" shall mean a workman who volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to disposition of a criminal case against him, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the workman is a volunteer. Under no circumstances may an employer force, compel or otherwise intimidate an employee into performing work otherwise paid by a prevailing wage as a volunteer.

2. When the hauling of materials or equipment includes some phase of construction other than the mere transportation to the site of the construction, workmen engaged in this dual capacity shall be deemed employed directly on public works.

(L. 1957 p. 574 § 3, A.L. 2014 H.B. 1594)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.240

August 28, 2013

Department of labor and industrial relations to enforce--make regulations.

290.240. 1. The department shall inquire diligently as to any violation of sections 290.210 to 290.340, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 290.210 to 290.340.

2. The department may establish rules and regulations for the purpose of carrying out the provisions of sections 290.210 to 290.340.

(L. 1957 p. 574 § 6, A.L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.250

August 28, 2013

Prevailing wage, incorporation into contracts--failure to pay, penalty--complaints of violation, public body or prime contractor to withhold payment--determination of a violation, investigation required--employer's right to dispute--enforcement proceeding permitted, when.

290.250. 1. Every public body authorized to contract for or construct public works before advertising for bids or undertaking such construction shall request the department to determine the prevailing rates of wages for workmen for the class or type of work called for by the public works, in the locality where the work is to be performed. The department shall determine the prevailing hourly rate of wages in the locality in which the work is to be performed for each type of workman required to execute the contemplated contract and such determination or schedule of the prevailing hourly rate of wages shall be attached to and made a part of the specifications for the work. The public body shall then specify in the resolution or ordinance and in the call for bids for the contract what is the prevailing hourly rate of wages in the locality for each type of workman needed to execute the contract and also the general prevailing rate for legal holiday and overtime work. It shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him to pay not less than the specified rates to all workmen employed by them in the execution of the contract. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing hourly rate of wages shall be paid to all workmen performing work under the contract. The employer shall forfeit as a penalty to the state, county, city and county, city, town, district or other political subdivision on whose behalf the contract is made or awarded one hundred dollars for each workman employed, for each calendar day, or portion thereof, such workman is paid less than the said stipulated rates for any work done under said contract, by him or by any subcontractor under him, and the said public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. It shall be the duty of such public body awarding the contract, and its agents and officers, to take cognizance of all complaints of all violations of the provisions of sections 290.210 to 290.340 committed in the course of the execution of the contract, and, when making payments to the contractor becoming due under said contract, to withhold and retain therefrom all sums and amounts due and owing as a result of any violation of sections 290.210 to 290.340. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of said subcontractor's failure to comply with the terms of sections 290.210 to 290.340, and if payment has already been made to him, the contractor may recover from him the amount of the penalty in a suit at law.

2. In determining whether a violation of sections 290.210 to 290.340 has occurred, and whether the penalty under subsection 1 of this section shall be imposed, it shall be the duty of the department to investigate any claim of violation. Upon completing such investigation, the department shall notify the employer of its findings. If the department concludes that a violation of sections 290.210 to 290.340 has occurred and a penalty may be due, the department shall notify the employer of such finding by providing a notice of penalty to the employer. Such penalty shall not be due until forty-five days after the date of the notice of the penalty.

3. The employer shall have the right to dispute such notice of penalty in writing to the department within forty-five days of the date of the notice. Upon receipt of this written notice of dispute, the department shall notify the employer of the right to resolve such dispute through arbitration. The state and the employer shall submit to an arbitration process to be established by the department by rule, and in conformance with the guidelines and rules of the American Arbitration Association or other arbitration process mutually agreed upon by the employer and the state. If at any time prior to the department pursuing an enforcement action to enforce the monetary penalty provisions of subsection 1 of this section against the employer, the employer pays the back wages as determined by either the department or the arbitrator, the department shall be precluded from initiating any enforcement action to impose the monetary penalty provisions of subsection 1 of this section.

4. If the employer fails to pay all wages due as determined by the arbitrator within forty-five days following the conclusion of the arbitration process, or if the employer fails to exercise the right to seek arbitration, the department may then pursue an enforcement action to enforce the monetary penalty provisions of subsection 1 of this section against the employer. If the court orders payment of the penalties as prescribed in subsection 1 of this section, the department shall be entitled to recover its actual cost of enforcement from such penalty amount.

5. Nothing in this section shall be interpreted as precluding an action for enforcement filed by an aggrieved employee as otherwise provided in law.

(L. 1957 p. 574 § 4, A.L. 1969 S.B. 142, A.L. 2007 S.B. 339)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.260

August 28, 2013

Determination of hourly rate for heavy and highway construction work, when made, where filed, objections, hearing, determination.

290.260. 1. The department, as it deems necessary, shall from time to time investigate and determine the prevailing hourly rate of wages for heavy and highway construction work in the localities. In doing so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats. A determination applicable to every locality to be contained in a general wage order shall be made annually on or before July first of each year for the Missouri state highways and transportation commission and shall remain in effect until superseded by a new general wage order. In determining prevailing rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within the locality.

2. A certified copy of the determination so made shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

3. At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing

to the determination or the part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection.

4. Within thirty days of the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

5. The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

6. Within twenty days of the conclusion of the hearing, the department must rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

7. This final decision of the department of the prevailing wages in the locality is subject to review in accordance with the provisions of chapter 536. Any person affected, whether or not the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

8. At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

9. All proceedings in any court affecting a determination of the department under the provisions of sections 290.210 to 290.340 shall have priority in hearing and determination over all other civil proceedings pending in the court, except election contests.

(L. 1957 p. 574 § 8, A.L. 1965 p. 95, A.L. 1969 S.B. 142, A.L. 2013 H.B. 34)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.262

August 28, 2013

Determination of hourly rate by location and occupation title, when made, where filed--objections, hearings--final determination--notice to department by public body, when.

290.262. 1. Except as otherwise provided in section 290.260, the department shall annually determine the prevailing hourly rate of wages in each locality for each separate occupational title. In

doing so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats. A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section. The department shall, by March tenth of each year, make an initial determination for each occupational title within the locality.

2. The prevailing wage rate for an occupational title in a locality shall, with the exception of localities that are counties of the third and fourth classification and any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, be the wage rate most commonly paid, as measured by the number of hours worked at each wage rate, for that occupational title within that locality. In determining such prevailing wage rates, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, when no wages were reported.

3. With respect only to localities that are counties of the third and fourth classification and any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, the prevailing wage rate for an occupational title within such locality shall be determined in the following manner:

(1) The total number of hours worked that are not paid pursuant to a collective bargaining agreement for the time period in that occupational title in the locality and the total number of hours worked that are paid pursuant to a collective bargaining agreement for the time period in that occupational title in the locality shall be considered;

(2) If the total number of hours that are not paid pursuant to a collective bargaining agreement, in the aggregate, exceeds the total number of hours that are paid pursuant to such an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is not paid pursuant to a collective bargaining agreement as measured by the number of hours worked at such rate for that occupational title within the locality;

(3) If the total number of hours that are paid pursuant to a collective bargaining agreement, in the aggregate, exceeds the total number of hours that are not paid pursuant to such an agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is paid pursuant to a collective bargaining agreement as measured by the number of hours worked at such rate for that occupational title within the locality;

(4) If no work within a particular occupational title has been performed in a locality at any wage rate, the prevailing wage rate for that occupational title in that locality shall be determined in the following manner:

(a) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was determined by a collective bargaining agreement by hours worked pursuant to such agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid pursuant to the current collective bargaining agreement shall be the prevailing rate for that occupational title within the locality;

(b) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was not determined by hours worked

pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid in the most recent annual wage order reporting period when such wages were reported shall be the prevailing wage rate for that occupational title within the locality;

(c) If no wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods, the department shall examine hours and wages reported in all adjacent Missouri counties during the same periods. The most recent reported wage rate in a given wage order period in the adjacent Missouri county with the most reported hours actually worked for that occupational title in the wage period during the previous six annual wage order reporting periods shall be used to determine the prevailing wage rate;

(d) If no wages were reported for an occupational title within any adjacent Missouri county within the previous six annual wage order reporting periods, then the rate paid pursuant to the current collective bargaining agreement shall be the prevailing wage rate for that occupational title within the locality.

4. A certified copy of the initial determinations so made shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

5. At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to a determination or a part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection. If no objection is filed, the determination is final after thirty days.

6. After the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

7. The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

8. Within twenty days of the conclusion of the hearing, the department shall rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

9. This final decision of the department of the prevailing wages in the locality for each occupational title is subject to review in accordance with the provisions of chapter 536. Any person affected, whether or not the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

10. At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

11. Any annual wage order made for a particular occupational title in a locality, that is based on the number of hours worked under a collective bargaining agreement, may be altered once each year, as provided in this subsection. The prevailing wage for each such occupational title may be adjusted on the anniversary date of any collective bargaining agreement which covers all persons in that particular occupational title in the locality in accordance with any annual incremental wage increases set in the collective bargaining agreement. If the prevailing wage for an occupational title is adjusted pursuant to this subsection, the employee's representative or employer in regard to such collective bargaining agreement shall notify the department of this adjustment, including the effective date of the adjustment. The adjusted prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this section. The wage rates for any particular job, contracted and commenced within sixty days of the contract date, which were set as a result of the annual or revised wage order, shall remain in effect for the duration of that particular job.

12. In addition to all other reporting requirements of sections 290.210 to 290.340, each public body which is awarding a contract for a public works project shall, prior to beginning of any work on such public works project, notify the department, on a form prescribed by the department, of the scope of the work to be done, the various types of craftsmen who will be needed on the project, and the date work will commence on the project.

(L. 1993 H.B. 638, A.L. 2013 H.B. 34)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.263

August 28, 2013

Hourly wage must equal or exceed federal minimum wage.

290.263. The hourly wages to be paid as prescribed in section 290.250 to workmen upon public works shall not be less than the minimum wage specified under Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.265

August 28, 2013

Wage rates posted, where.

290.265. A clearly legible statement of all prevailing hourly wage rates to be paid to all workmen employed in order to execute the contract and employed on the construction of the public works shall be kept posted in a prominent and easily accessible place at the site thereof by each contractor and subcontractor engaged in the public works projects under the provisions of this law and such notice shall remain posted during the full time that any such workman shall be employed on the public works.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.270

August 28, 2013

Declaration as to prevailing wages final--maximum wages and hours not limited.

290.270. The finding of the department ascertaining and declaring the prevailing hourly rate of wages shall be final for the locality, unless reviewed under the provisions of sections 290.210 to 290.340. Nothing in sections 290.210 to 290.340, however, shall be construed to prohibit the payment to any workman employed on any public work of more than the prevailing rate of wages. Nothing in sections 290.210 to 290.340 shall be construed to limit the hours of work which may be performed by any workman in any particular period of time.

(L. 1957 p. 574 § 7, A.L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.280

August 28, 2013

Administration of oaths--subpoenas--enforcement of subpoenas.

290.280. The authorized representative of the department may administer oaths, take or cause to be taken the depositions of witnesses, and require by subpoena the attendance and testimony of

witnesses and the production of all books, records, and other evidence relative to any matter under investigation or hearing. The subpoena shall be signed and issued by the department's authorized representative. In case of failure of any person to comply with any subpoena lawfully issued under this section, or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, the authorized representative of the department may proceed to enforce obedience to the subpoenas in the manner provided by section 536.077 for administrative agencies. The authorized representative of the department shall have the power to certify to official acts.

(L. 1957 p. 574 § 9, A.L. 1961 p. 438)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.290

August 28, 2013

Contractor's payroll records, contents--affidavit of compliance required--signs on motor vehicles and equipment, requirements--temporary stationary sign, when--exception.

290.290. 1. The contractor and each subcontractor engaged in any construction of public works shall keep full and accurate records clearly indicating the names, occupations and crafts of every workman employed by them in connection with the public work together with an accurate record of the number of hours worked by each workman and the actual wages paid therefor. The payroll records required to be so kept shall be open to inspection by any authorized representative of the contracting public body or of the department at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for the period of one year following the completion of the public work in connection with which the records are made.

2. Each contractor and subcontractor shall file with the contracting public body upon completion of the public work and prior to final payment therefor an affidavit stating that he had fully complied with the provisions and requirements of this chapter, and no public body shall be authorized to make final payment until such affidavit is filed therewith in proper form and order.

3. Each contractor and subcontractor engaged in any construction of public works shall have its name, acceptable abbreviation or recognizable logo and the name of the city and state of the mailing address of the principal office of the company, on each motor vehicle and motorized self-propelled piece of equipment which is used in connection with such public works project during the time the contractor or subcontractor is engaged on such project. The sign shall be legible from a distance of twenty feet but the size of the lettering need not be larger than two inches. In cases where equipment is leased or where affixing a legible sign to the equipment is impractical, the contractor may place a temporary stationary sign, with the information required pursuant to this subsection, at the main entrance of the construction project in place of affixing the required information on the equipment so long as such sign is not in violation of any state or federal statute, rule or regulation. Motor vehicles which are required to have similar information affixed thereto pursuant to requirements of a regulatory agency of the state or federal government are exempt from the provisions of this subsection.

4. The provisions of subsection 3 of this section shall not apply to construction of public works for which the contract awarded is in the amount of two hundred fifty thousand dollars or less.

(L. 1957 p. 574 § 5, A.L. 1969 S.B. 142, A.L. 1993 H.B. 416 & 417)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.300

August 28, 2013

Actions for prevailing wages by workman authorized.

290.300. Any workman employed by the contractor or by any subcontractor under the contractor who shall be paid for his services in a sum less than the stipulated rates for work done under the contract, shall have a right of action for double whatever difference there may be between the amount so paid and the rates provided by the contract together with a reasonable attorney's fee to be determined by the court, and an action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages.

(L. 1957 p. 574 § 10, A.L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.305

August 28, 2013

Rebates by workmen prohibited, exception.

290.305. No person, firm or corporation shall violate the wage provisions of any contract contemplated in sections 290.210 to 290.340 or suffer or require any employee to work for less than the rate of wages so fixed, or violate any of the provisions contained in sections 290.210 to 290.340. Where workmen are employed and their rate of wages has been determined as provided in sections 290.210 to 290.340, no person, either for himself or any other person, shall request, demand or receive, either before or after such workman is engaged, that such workman pay back, return, donate, contribute, or give any part or all of said workman's wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent such workman from procuring or retaining employment, and no person shall, directly or indirectly, pay, request or authorize any other person to violate this section. This section does not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.315

August 28, 2013

Deductions from wages, agreement to be written, approval of public body required.

290.315. All contractors and subcontractors required in sections 290.210 to 290.340 to pay not less than the prevailing rate of wages shall make full payment of such wages in legal tender, without any deduction for food, sleeping accommodations, transportation, use of small tools, or any other thing of any kind or description. This section does not apply where the employer and employee enter into an agreement in writing at the beginning of said term of employment covering deductions for food, sleeping accommodations, or other similar items, provided such agreement is submitted by the employer to the public body awarding the contract and the same is approved by such public body as fair and reasonable.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.320

August 28, 2013

Advertising for bids before prevailing wage is determined prohibited.

290.320. No public body, officer, official, member, agent or representative authorized to contract for public works shall fail, before advertising for bids or contracting for such construction, to have the department determine the prevailing rates of wages of workmen for each class of work called for by the public works in the locality where the work is to be performed as provided in sections 290.210 to 290.340.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.325

August 28, 2013

Awarding contract or payment without prevailing wage determination prohibited.

290.325. No public body, officer, official, member, agent or representative thereof authorized to contract for public works shall award a contract for the construction of such improvement or disburse any funds on account of the construction of such public improvement, unless such public body has first had the department determine the prevailing rates of wages of workmen for the class of work called for by such public works in the locality where the work is to be performed and such determination has been made a part of the specifications and contract for such public works.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.330

August 28, 2013

Convicted violators of sections 290.210 to 290.340 listed, effect of.

290.330. The department after investigation, upon complaint or upon its own initiative, shall file with the secretary of state a list of the contractors and subcontractors who it finds have been prosecuted and convicted for violations of sections 290.210 to 290.340 and such contractor or subcontractor, or simulations thereof, shall be prohibited from contracting directly or indirectly with any public body for the construction of any public works or from performing any work on the same as a contractor or subcontractor for a period of one year from the date of the first conviction for such violation and for a period of three years from the date of each subsequent violation and conviction thereof. No public body shall award a contract for a public works to any contractor or subcontractor, or simulation thereof, during the time that its name appears on said list. The filing of the notice of conviction with the secretary of state shall be notice to all public bodies and their officers, officials, members, agents and representatives.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.335

August 28, 2013

Notice of violation, failure to comply, attorney general shall sue, injunctive relief authorized.

290.335. If it is found that a public body, contractor or subcontractor has not complied with any of the terms of sections 290.210 to 290.340, the department shall give notice of the precise violation in writing to such public body, contractor or subcontractor. Sufficient time may be allowed for compliance therewith as the department deems necessary. After the expiration of the time prescribed in said notice, the department may in writing inform the attorney general of the fact that such notice has been given and that the public body, contractor or subcontractor or the authorized representative or agent thereof to whom it was directed has not complied with such notice. Upon receipt thereof, the attorney general shall at the earliest possible time bring suit in the name of the state in the circuit court of the county in which such public body is located or where any such contractor or subcontractor is engaged in any public works to enjoin the award of such contract for a public works, or any further work or payments thereunder if the contract has been awarded, until the requirements of such notice are fully complied with. The court may issue a temporary restraining order with due notice to the defendant in such action. The plaintiff shall in any such injunctive action post an adequate bond to be set by the circuit judge. Upon final hearing thereof, if the court is satisfied that the requirements of the notice by the department to the defendant were not unreasonable or arbitrary, it shall issue an order enjoining the awarding of such contract for a public works, or any further work or payments thereunder if the contract has been awarded, until the notice is fully complied with. Such injunction shall continue operative until the court is satisfied that the requirements of such notice have been complied with and the court shall have and exercise with respect to the enforcement of such injunctions all the power in it in other similar cases. Both the plaintiff and defendant in such action have the same rights of appeal as are provided by law in other injunction proceedings.

(L. 1969 S.B. 142)

Chapter 290

Wages, Hours and Dismissal Rights

Section 290.340

August 28, 2013

Penalty for violation.

290.340. Any officer, official, member, agent or representative of any public body, contractor or subcontractor who willfully violates and omits to comply with any of the provisions and requirements of sections 290.210 to 290.340 shall be punished for each violation thereof by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such

fine and imprisonment. Each day such violation or omission continues shall constitute a separate offense as contemplated by this section.

(L. 1969 S.B. 142)

Chapter 292

Health and Safety of Employees

Section 292.675

August 28, 2013

Definitions--on-site training required--workers to maintain documentation of completion of training--resolution or ordinance required--violations, penalty--rulemaking authority.

292.675. 1. As used in this section, the following terms shall mean:

(1) "Construction", construction, reconstruction, demolition, painting and decorating, or major repair;

(2) "Contractor", any person entering into a contract with a public body for construction of public works which employs on-site employees for purposes of completion of the contract;

(3) "Department", the department of labor and industrial relations;

(4) "On-site employee", laborers, workmen, drivers, equipment operators, and craftsmen employed by contractors and subcontractors to be directly engaged in construction at the site of the public works. "Directly engaged in construction" shall mean work performed in the actual erection of the structure or completion of the improvement constituting the public works. In addition, employees working at a nearby or adjacent facility used by the contractor or subcontractor for construction of the public works shall be deemed on-site employees. Persons engaged solely in the transportation of materials, fuel, or equipment to the site of the public works shall not be deemed to be directly engaged in construction;

(5) "Person", any natural person, joint venture, partnership, corporation, or other business or legal entity;

(6) "Public body", the state of Missouri or any officer, official, authority, board or commission of the state, or other political subdivision thereof, or any institution supported in whole or in part by public funds;

(7) "Public works", all fixed works constructed for public use or benefit or paid for wholly or in part out of public funds. "Public works" includes any work done directly by any public utility company when performed by it pursuant to the order of the public service commission or other public authority whether or not it be done under public supervision or direction or paid for wholly or in part out of public funds when let to contract by said utility;

(8) "Subcontractor", any person entering into a subcontract with a contractor for construction of public works which employs on-site employees for purposes of completion of the contract.

2. Any contractor for any public body for purposes of construction of public works and any subcontractor to such contractor shall provide a ten-hour Occupational Safety and Health Administration (OSHA) construction safety program for their on-site employees which includes a course in construction safety and health approved by OSHA or a similar program approved by the department which is at least as stringent as an approved OSHA program, unless such employees have previously completed the required program. All employees who have not previously completed the program are required to complete the program within sixty days of beginning work on such construction project.

3. Any employee found on a work site subject to this section without documentation of the successful completion of the course required under subsection 2 of this section shall be afforded twenty days to produce such documentation before being subject to removal from the project.

4. The public body shall specify the requirements of this section in the resolution or ordinance and in the call for bids for the contract. The contractor to whom the contract is awarded and any subcontractor under such contractor shall require all on-site employees to complete the ten-hour training program required under subsection 2 of this section or such employees must hold documentation of prior completion of the program. The public body awarding the contract shall include this requirement in the contract. The contractor shall forfeit as a penalty to the public body on whose behalf the contract is made or awarded, two thousand five hundred dollars plus one hundred dollars for each employee employed by the contractor or subcontractor, for each calendar day, or portion thereof, such employee is employed without the required training. The penalty shall not begin to accrue until the time period in subsections 2 and 3 of this section have elapsed. The public body awarding the contract shall include notice of these penalties in the contract. The public body awarding the contract shall withhold and retain therefrom all sums and amounts due and owing as a result of any violation of this section when making payments to the contractor under the contract. The contractor may withhold from any subcontractor sufficient sums to cover any penalties the public body has withheld from the contractor resulting from the subcontractor's failure to comply with the terms of this section. If the payment has been made to the subcontractor without withholding, the contractor may recover the amount of the penalty resulting from the fault of the subcontractor in an action maintained in the circuit court in the county in which the public works project is located from the subcontractor.

5. In determining whether a violation of this section has occurred, and whether the penalty under subsection 4 of this section shall be imposed, the department shall investigate any claim of violation. Upon completing such investigation, the department shall notify the public body and any party found to be in violation of this section of its findings and whether a penalty shall be assessed. Determinations under this section may be appealed in the circuit court in the county in which the public works project is located.

6. If the contractor or subcontractor fails to pay the penalty within forty-five days following notification by the department, the department shall pursue an enforcement action to enforce the monetary penalty provisions of subsection 4 of this section against the contractor or subcontractor found to be in violation of this section. If the court orders payment of the penalties as prescribed under subsection 4 of this section, the department shall be entitled to recover its actual cost of enforcement in addition to such penalty amount.

7. The department may establish rules and regulations for the purpose of implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

8. This section shall not apply to work performed by public utilities which are under the jurisdiction of the public service commission, or their contractors, or work performed at or on facilities owned or operated by said public utilities.

9. The provisions of this section shall not apply to rail grade crossing improvement projects where there exists a signed agreement between the railroad and the Missouri department of transportation or an order issued by the department of transportation ordering such construction.

10. This section shall take effect on August 28, 2009.

(L. 2008 H.B. 1549, et al., A.L. 2009 H.B. 390)

Effective 7-07-09

*This section contained an emergency clause, which makes the amendments effective upon the governor's signature on 7-07-09; however, subsection 10 mandates an effective date of 8-28-09.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 20—Labor and Industrial Relations Commission
Chapter 5—Rules Relating to Objections to Wage Orders, Including Prevailing Wage
Determinations and Occupational Title of Work Descriptions

8 CSR 20-5.010 Objections and Hearing

PURPOSE: This rule specifies procedures for filing objections to wage orders, including prevailing wage determinations and occupational title of work descriptions, and hearings on objections by the commission.

- (1) Objections. Within thirty (30) days after the certified copy of a wage order has been filed with the secretary of state and the commission, any person who may be affected by the wage order may object, in writing, to the wage order, or any part thereof that the party considers objectionable by filing the objections in triplicate with the commission. If the objection is to a wage rate, the objector shall set forth in writing, the specific grounds of objection and not merely a conclusion that the wage rate is too high or too low, but shall set out in detail how the objector reaches the conclusion that the rate is either too high or too low. If the objection is to an occupational title of work description, the objector shall set forth in writing the specific grounds of objection and not merely a conclusion that an occupational title of work description is incorrect, but shall set out in detail how the objector reaches the conclusion that the occupational title of work description is incorrect. At the time of filing the objection a copy shall be furnished to the Division of Labor Standards. Within thirty (30) days of the receipt of the objection, the commission shall set a date for a hearing on the objection. The day for the hearing shall be within sixty (60) days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors, proponents and other interested parties at least ten (10) days prior to the date set for the hearing.
- (2) Hearings.
 - (A) Hearings held by the commission under the Prevailing Wage Law shall be held by the commission, any commissioner or a representative designated by the commission. If the hearing is conducted by one (1) of the commissioners or by a designated representative, a recommended order will be prepared by such commissioner or designated representative and such order will be subject to the approval of a majority of the commission qualified to review the recommended order.
 - (B) At the hearing, any party may be represented by an attorney-at-law. Only an attorney, licensed to practice in Missouri, may appear in a representative capacity. A person whose conduct is detrimental to the proper and orderly conduct of the hearings may be excluded from the hearing room by the commission or designated representative. The commission or its designated representative may examine any party or witness. Any hearing may be adjourned or postponed or continued from time-to-time or place-to-place at the discretion of the commission or its designated representative.
- (3) Prehearing Conference.
 - (A) Before any hearing, the commission, at its discretion, may direct the parties or their attorneys to appear before it for a conference to consider-
 1. The simplification of the issues;
 2. The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;

3. The limitation of the number of witnesses;
4. The prefiling of sworn, direct testimony and supporting documents; and
5. Such other matters as may aid in the disposition of the hearing.

(B) The commission, or its designated representative, shall prepare an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered. The order will limit the issues for the hearing to those not disposed of by admissions or agreements of counsel. Such order, when entered, controls the subsequent course of the hearing, unless modified thereafter to prevent manifest injustice.

(4) Procedures.

(A) At the hearing, if the objection pertains to the wage rate in a locality, the Division of Labor Standards shall introduce in evidence the investigation and field surveys conducted, including copies of any appropriate collective bargaining agreements and any information received by the Division of Labor Standards which was considered by it at the time the wage order was issued.

(B) Thereafter, the following procedure will be followed:

1. Evidence on behalf of the objectors which is material to the issue(s) shall be introduced;
2. Evidence on behalf of the proponents or any other interested party which is material to the issue(s) shall be introduced;
3. Rebuttal or cumulative evidence shall be allowed at the discretion of the commission; and
4. No direct evidence, other than the testimony and documents filed at the prehearing conference, will be allowed at the hearing, except at the discretion of the commission.

(C) If the objection to the wage order pertains only to an occupational title of work description, the objector shall present its evidence first. Thereafter, the Division of Labor Standards and any intervenor may present evidence.

(D) The commission shall determine what evidence is material to the issue(s). The order or procedures set forth in subsection (4)(B) and (C) shall be followed unless, in the interest of conducting a fair hearing, the commission determines otherwise.

(5) Record of Proceedings. The commission may cause such proceedings before it to be suitably recorded as it considers necessary and expedient, the cost of which shall be borne by the commission. Any party desiring a copy of the transcript shall purchase its own copy from the reporter who transcribed the proceedings.

*AUTHORITY: section 286.060, RSMo (Cum. Supp. 1996). * This version of rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Sept. 22, 1995, effective Feb. 25, 1996. Amended: Filed Jan. 30, 1997, effective Sept. 30, 1997.*

**Original authority 1945, amended 1947, 1980, 1995.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules

8 CSR 30-3.010 Prevailing Wage Rates for Public Works Projects

PURPOSE: This rule sets forth prevailing wage requirements relative to work performed by workers on public funded projects.

- (1) All public bodies of Missouri contemplating construction work must obtain from the department an annual wage order which sets forth the prevailing hourly rate of wages in the locality. The rates so determined shall be incorporated in the contract specifications and made a part of those specifications, except that construction contracts of the State Highway and Transportation Commission need not list specific wage rates to apply, but may refer to the wage rates contained in the appropriate General Wage Orders issued by the department, as applicable.
- (2) Request for annual wage orders shall be initiated at least ten (10) calendar days before advertisement of the specifications for the contract for which the determination is sought. An exception from this provision will be made by the department only upon a proper showing of extenuating circumstances. The department has prepared and printed Form No. PW-3 for use in making a request. The form may be secured by writing Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102.
- (3) A project notification form PW-2 must be filed for each separate project by the public body, except the State Highways and Transportation Commission, which will be furnished prevailing wage determinations under General Wage Orders.
- (4) The annual wage order issued by the department contains the current wage rates prevailing in the locality at the time the annual wage order is issued. Hours worked during the calendar year are used to set the prevailing wage rates in the annual wage order issued in March of the following year. Section 290.262.9, RSMo provides that the annual wage order for a particular occupational title may be altered once each year with an incremental increase. A public body shall specify in the call for bids for each contract the prevailing hourly rate of wages in the locality for each type of worker as set forth in the annual wage order or any replacement page(s) identifying the annual incremental increase issued by the department. The wage rates attached to and made a part of the call for bids for a contract shall remain in effect for the duration of that particular contract.
- (5) It should be understood by all interested parties that the certified prevailing wage rates determined by the department are minimum wage rates. The contractor may not pay less than the prevailing wage rates determined by the department for the project or contract awarded to him/her as set forth in the proposal on which s/he submitted his/her bid. Employees are free to bargain for a higher rate of pay and employers are free to pay a higher rate of pay.
- (6) Each month the successful bid contractors shall submit certified copies of their current payrolls to the contracting public body. The public body, upon receipt of the payrolls on a project, shall keep the payrolls on file for a period of one (1) year from the date of submission of the final payrolls by the contractor. The payroll records shall set out accurately and completely the following: name and address of each worker, the class or type of worker, rate of pay, daily and weekly number of hours worked for each class or type of work performed, deduction made, and actual wages paid for each class or type of work performed by each

worker. The payroll records shall be available at all times for inspection by authorized representatives of the Department of Labor and Industrial Relations.

- (7) The public body shall make examinations of the payrolls and other records of each contractor or subcontractor as may be necessary to assure compliance with the provisions of the law. In connection with those examinations, particular attention should be given to the correctness of classifications and any disproportionate employment of any workers. The examinations shall be of a frequency that may be necessary to assure conformity with the provisions of the law. An examination shall be made after the project has been substantially completed but prior to the acceptance of the affidavit as required by section 290.290, RSMo. If any violation of sections 290.210–290.580, RSMo is discovered by the inspecting public body, it is their duty under section 290.250, RSMo to withhold and retain from payments to the contractor all sums and amounts due and owing as a result of any violation. Any violation shall be immediately reported to the Division of Labor Standards at P.O. Box 449, Jefferson City, MO 65102 or by telephone.

*AUTHORITY: section 290.240(2), RSMo 2000. * Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed July 24, 1984, effective Nov. 11, 1984. Amended: Filed Aug. 24, 1990, effective April 29, 1991. Emergency amendment filed Sept. 15, 1994, effective Sept. 25, 1994, expired Jan. 13, 1995. Emergency amendment filed Dec. 9, 1994, effective Jan. 14, 1995, expired May 13, 1995. Emergency amendment filed May 1, 1995, effective May 14, 1995, expired Sept. 10, 1995. Amended: Filed May 1, 1995, effective Aug. 30, 1995. Amended: Filed July 17, 1995, effective Jan. 30, 1996. Amended: Filed March 27, 2000, effective Oct. 30, 2000. Amended: Filed Nov. 9, 2000, effective May 30, 2001.*

**Original authority: 290.240, RSMo 1957, amended 1969.*

Woodman Engineering Company v. Butler, 442 SW2d 83 (Mo. App. 1969). The function of reviewing court in prevailing wage cases is to decide if the determination of the commission was authorized by law and was supported by competent and substantial evidence upon the whole record. A decision clearly contrary to the evidence should be set aside. However, all pertinent evidence and factors must be considered in determining the applicable prevailing wage.

City of Joplin v. Industrial Commission of Missouri, 329 SW2d 687 (Mo. En Banc 1959). Administrative agencies do not have authority to determine constitutionality of legislation. Determination of prevailing wage earnings by commission must be based upon all current relevant factors.

8 CSR 30-3.020 Definitions

PURPOSE: This rule sets forth the definition of certain terms for purposes of issuance and use of annual and general wage orders under the Prevailing Wage Law, sections 290.210-- 290.580, RSMo and the rules in this chapter.

- (1) The term construction of public works generally includes construction activity as distinguished from manufacturing, furnishing of materials or servicing and maintenance work. The term includes, without limitation, the construction of buildings, structures and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment is not construction of public works within the meaning of the Prevailing Wage Law unless conducted in connection with and at the site of construction. The term construction of public works also means all work done in the construction or development of a public works project, including without limitation, altering, remodeling, demolishing existing structures, installation on the site of the construction of items fabricated off-site, painting and decorating, the transporting of materials and supplies to or from the site of the construction by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the construction by persons employed by the contractor or subcontractor.

- (2) The term site of the building or construction job means the physical place(s) where the public works are to be constructed, and also means other adjacent or nearby property used by the contractor or subcontractor in that construction which can reasonably be said to be included in the site. Except as otherwise provided in this section, fabrication plants, mobile factories, batch plants, borrow pits, job headquarters, tool yards and the like, are part of the site of the building or construction job provided they are dedicated in a substantial degree to the performance of the public works project, and are so located in proximity to the actual construction location that it would be reasonable to include them. The dedication of seventy-five percent (75%) or more of the output of a fabrication plant, batch plant and the like, to the public works project raises a rebuttable presumption that the facility is part of the site of the building or construction job. The presumption may be rebutted by evidence showing that the facility was established for other legitimate commercial purposes that make the facility useful well after the public works project has been completed. Not included in the site of the building or construction job are permanent home offices, branch plant establishments, fabrication plants and tool yards of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular public works project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards and the like, of a commercial supplier or materialman which are established by a supplier of materials for the project before opening of bids and not on the project site are not included in the site of the building or construction job. The permanent, previously established facilities are not a part of the site of the building or construction job, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a public works project.

*AUTHORITY: section 290.240, RSMo 1994. * Original rule filed Aug. 24, 1990, effective April 29, 1991. Amended: Filed July 17, 1995, effective Jan. 30, 1996.*

**Original authority 1957, amended 1959.*

8 CSR 30-3.030 Apprentices and Trainees

PURPOSE: This rule sets forth the requirements for the payment of apprentice wages for workers employed on public works subject to the Prevailing Wage Law.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by law.

- (1) Journeymen's rate of pay shall be paid to all workers employed on public works construction except apprentices and trainees registered and participating in apprentice or trainee programs registered with the United States Department of Labor, Bureau of Apprenticeship and Training; and apprentices and trainees registered and participating in apprenticeship and skill training programs certified by the Secretary of the United States Department of Transportation as promoting equal opportunity in connection with federal-aid highway construction programs.
- (2) Apprentices shall be permitted to work at less than the predetermined rate for the class or type of work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. The allowable ratio of apprenticeship to journeymen on the site of the construction for any class or type of workers shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on the payroll at an apprentice wage rate, who is not registered or otherwise employed as

stated in this rule, shall be paid not less than the applicable wage rate on the wage determination for the class or type of work actually performed. In addition, those apprentices performing work on the site of the construction who are in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the class or type of work actually performed. Every apprentice shall be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate for the class or type of worker specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices shall be paid the full amount of fringe benefits listed on the wage determination for the applicable class or type of work performed. In the event the Bureau of Apprenticeship and Training withdraws approval of an apprenticeship program, the contractor shall no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the class or type of work performed until an acceptable program is approved.

- (3) Trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the United States Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the jobsite shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed in the annual wage order for the applicable class or type of work performed. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate in the annual wage order for the classification of work actually performed. In addition, any trainee performing work on the jobsite in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.
- (4) Workers employed on federal-aid highway construction projects may be paid at an apprentice or trainee rate of pay if enrolled in an apprenticeship or skill training program which has been certified by the Secretary of the United States Department of Transportation pursuant to 23 U.S.C. 113. In the event the Secretary of Transportation withdraws approval of a program, the contractor will no longer be permitted to pay workers less than the applicable predetermined rate for the work performed until an acceptable program is approved.

AUTHORITY: section 290.240, RSMo 1994. Original rule filed Aug. 24, 1990, effective April 29, 1991. Amended: Filed July 17, 1995, effective Jan. 30, 1996.*

**Original authority 1957, amended 1969.*

8 CSR 30-3.040 Classifications of Construction Work

PURPOSE: The Department of Labor and Industrial Relations has the responsibility under section 290.260, RSMo to determine the prevailing hourly rate of wages to be paid to workers engaged in work of

a similar character. This rule establishes classifications of construction work for the department to use in determining the prevailing hourly rate of wages for work of a similar character.

- (1) All public works construction, for which the prevailing hourly rate of wages of workers are to be determined, shall be classified as either--
 - (A) Building construction; or
 - (B) Highway and heavy construction.
- (2) Building construction shall mean the following:
 - (A) Building structures, including modification, additions or repairs, or both, to be used for shelter, protection, comfort, convenience, entertainment or recreation, or for protection of people or equipment;
 - (B) Buildings at an airport project, such as terminal buildings, freight buildings and any other construction necessary for the operation of the airport facilities;
 - (C) Stadiums, athletic fields, dressing rooms, bleachers and all other buildings needed in connection with an athletic or entertainment facility;
 - (D) Entire buildings that are built aboveground in connection with highway, subway or tunnel projects, such as tool stations or housing for mechanical equipment;
 - (E) Excavation for the building itself, including backfilling inside and outside the building;
 - (F) Storm and sanitary sewers inside the building and to the curb line;
 - (G) Work in connection with telephone, electrical, water, oil, gas or fuel lines, or other utility or communication lines inside a building and to the curb line;
 - (H) Sidewalks other than those that are poured in connection with a street or road project;
 - (I) Driveways that are built to serve a building;
 - (J) Parking lots connected to a building and all structures built as parking facilities;
 - (K) Retaining walls built in conjunction with a building project;
 - (L) Demolition of a building(s) as part of the site preparation for new building construction;
 - (M) Landscaping of building sites or the planting of all shrubbery that is incidental to building construction as defined in section (2); and
 - (N) Work on water and wastewater treatment plants within the fence line.
- (3) Highway and heavy construction shall mean the following:
 - (A) Work in connection with roads, streets, parkways, alleys and highways including, but not limited to, grading, paving, curbing, signs, fences, guard rails, bridges, lighting, retaining walls and landscaping;
 - (B) Work on viaducts, overpasses, underpasses, drainage projects, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoir filtration and supply projects, water power, duct lines, distribution lines, pipe lines, locks, dikes, levees, revetments projects, excluding work specifically defined as building construction;
 - (C) Work in connection with underground construction on tunnels and shafts;
 - (D) Railroad work in its entirety, including elevated railroads;
 - (E) Main and side sewers;
 - (F) Work in connection with airports, such as runways, roads and streets, but excluding that which is listed as building construction;
 - (G) Work in connection with telephone, electrical, water, oil, gas or fuel lines, or any other utility or communication lines from the curb line;
 - (H) Sidewalks when poured incidental to a street or road project;
 - (I) Parking lots not incidental to a building construction project; and

- (J) Demolition of all buildings as part of site preparation for any highway and heavy construction as is otherwise defined in section (3).

AUTHORITY: section 290.240, RSMo 1994. Original rule filed Aug. 24, 1990, effective April 29, 1991. Amended: Filed July 17, 1995, effective Jan. 30, 1996.*

**Original authority 1957, amended 1969.*

8 CSR 30-3.050 Posting of Prevailing Wage Rates

PURPOSE: This rule sets forth the requirements for the posting of prevailing wage rates on public works projects subject to the Prevailing Wage Law.

- (1) Contractors and subcontractors engaged in public works projects shall post the prevailing hourly rate of wages in a dry, accessible place within the field office at the site of the building or construction job. On public works projects for which no field office is needed or established, such as road construction, sewer lines, pipelines and the like, a contractor/subcontractor may post the prevailing hourly rates of wages at the contractor/subcontractor's local office or batch plant, so long as the contractor/subcontractor provides a copy of the prevailing hourly wage rates to any worker upon request. Prevailing hourly wage rates must be posted and maintained in a clearly legible condition for the duration of the public works project as provided by law.

AUTHORITY: section 290.240, RSMo 1986. Original rule filed Aug. 24, 1990, effective April 29, 1991.*

**Original authority 1957, amended 1969.*

8 CSR 30-3.060 Occupational Titles of Work Descriptions

PURPOSE: The Department of Labor and Industrial Relations is required to determine the prevailing hourly rate of wages to be paid to each worker engaged in construction on a public works project, relative to the type of work performed by each worker. This rule describes by occupational title the type of work performed in the construction of a public works project in Missouri and sets forth the procedures to be followed in identifying each occupational title utilized on a public works project.

- (1) Each occupational title defines by name the type of work performed in the construction of a public works project. The description of work designated for a particular occupational title is not intended to be jurisdictional in scope or nature, and is not to be construed as limiting or prohibiting workers from engaging in construction work falling within several occupational titles.
- (2) Each occupational title of work description shall be based upon the particular nature of the work performed, with consideration given to those trades, occupations or work generally considered within the construction industry as constituting a distinct classification of work. In determining occupational titles and scope of work definitions, the department shall consider the following:
- (A) Collective bargaining agreements;
 - (B) Dictionary of Occupational Titles, as published by the United States Department of Labor; and
 - (C) Opinions of experts from organized labor and the opinions of contractors and contractor associations as they relate to the custom and usage applicable to the construction industry in Missouri.
- (3) Any person wishing to add, delete or modify an occupational title of work description shall submit to the director of the Division of Labor Standards a written request containing the proposed changes. Proposals shall contain the following information:

- (A) Occupational title;
 - (B) A description of the physical duties to be performed by workers under the title;
 - (C) A copy of any current collective bargaining agreements that are relevant to the proposal, if any;
 - (D) Evidence of hours worked and wages paid while performing work under the title, including fringe benefits paid, if any;
 - (E) Identification of the county(ies) where the work was performed;
 - (F) Evidence that the proposed occupational title of work description is for a type or class of work that is commonly utilized by the construction industry on building or heavy and highway construction projects in Missouri; and
 - (G) Other information concerning the proposed addition, deletion or modification as the director of the Division of Labor Standards may deem advisable under the circumstances.
- (4) Interested parties who wish to submit wage information to be used in establishing the prevailing hourly rate of wages for a particular class or type of work are required to identify the work according to the applicable occupational title of work description set forth in this rule. Hours of work reported to the department shall not be used to establish the prevailing hourly rate of wages if the party submitting the hours of work fails to identify the work under one of the occupational titles recognized by this rule.
- (5) Any question as to the proper classification of work should be resolved before the work in question is commenced. Interested parties are encouraged to contact the Prevailing Wage Section of the Division of Labor Standards for an interpretation of these rules and for a determination of the appropriate occupational title of work description, relative to the class or type of work to be performed.
- (6) The occupational titles and work descriptions for each type or class of work contained herein are valid throughout the entire state of Missouri. Through an objection to a wage order, an interested party may assert that any given description of work, as stated within this rule, does not apply to a specific occupational title(s) and that a different work description should apply to that occupational title(s). The interested party shall have the burden of proving by a preponderance of the evidence the inapplicability of the description of work within that particular occupational title, but shall be afforded the opportunity to do so in a hearing on an objection to the wage order before the Labor and Industrial Relations Commission.
- (7) Occupational titles of work descriptions may be obtained from the department by written request to the director of the Division of Labor Standards, PO Box 449, Jefferson City, MO 65102.
- (8) The occupational titles of work descriptions set forth here are as follows:
- (A) **Asbestos Worker/Heat and Frost Insulator**—Applies to workers who apply insulation materials to mechanical systems to reduce loss or absorption of heat, prevent moisture condensation and to deaden sound and prevent vibration. The workers remove all insulation materials from mechanical systems unless the mechanical system is being scrapped. The work falling within this occupational title of work description includes:
 1. The preparation, including the building of enclosures and hanging polyurethane, and physical distribution on the job site of asbestos, cork, plastic, magnesia or similar materials, or other materials used as a substitute, and used as thermal insulation. The manufacture, fabrication, assembling, molding, handling, erection, spraying, pouring, making, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, corrosion control and testing of heat or frost insulation, such as asbestos, cork, mineral wall, infusorial earth, mercerized silk, flax, fiber, fire felt, asbestos paper, asbestos curtain, asbestos millboard, fibrous glass, foam glass,

- styrofoam, polyurethane, polystyrene, metals, plastics, fibrous matter, roving and resins, and the erection of scaffolding up to fourteen feet (14'), working platform;
2. The covering, including encapsulation, of boilers, tanks, refrigeration units, evaporators, turbines, fittings, valves, ducts, flues, vats, equipment, hot and cold pipes or any other hot or cold surfaces with the insulation materials listed in this rule, used for the purpose of thermal insulation, fire stoppage, fireproofing, radiator protection, sound deadeners and the lagging (covering) on piping; and
 3. The removal of all insulation materials from mechanical systems, unless the mechanical system is being scrapped, whether they contain asbestos or not (pipes, boilers, ducts, flues, breechings). All cleanup required in connection with this work, shall include the sealing, labeling and dropping of scrap material into the appropriate containers. (After drop, final disposal is considered to be the class or type of work falling within the occupational title of work description for second semiskilled laborer.);
- (B) **Boilermaker**—Applies to workers who assemble, erect and repair boilers, tanks, vats and pressure vessels according to blueprint specifications, using handtools, portable power tools and equipment. The work falling within this occupational title of work description includes:
1. Locating and marking of reference points for columns on plates or foundations, using master straightedge, squares, transit and measuring tape;
 2. Using rigging or cranes to lift parts to specified positions;
 3. Aligning structures or plate sections, using plumb bobs, levels, wedges, dogs or turnbuckles;
 4. Drilling, reaming, chipping, caulking and grinding of structures and sections and bolting or welding them together;
 5. Setting of drums and headers and installation of tubes;
 6. Cleaning up as necessary in connection with this work; and
 7. Riveting, acetylene burning, rigging, fitting-up, impact machine operating, unloading and handling of material and equipment where power equipment and rigging are required;
- (C) **Bricklayers and Stone Mason**—Applies to workers who prepare, lay, set, bed, point, patch, grout, caulk, cut, fit, plumb, align, level, anchor, bolt, or weld brick, stone masonry, precast aggregate panels, and all types of artificial or imitation masonry. Also, the workers install expansion joint materials in brick, stone masonry, precast aggregate panels, and all types of artificial or imitation masonry. The work falling within this occupational title of work description includes:
1. The unloading of brick, stone masonry, precast aggregate panels, and all types of artificial or imitation masonry where power equipment and rigging are required;
 2. The masonry paving and rip-rapping of all types, with or without mortar;
 3. The reinforcing of masonry, including placing, tying, and setting of rods;
 4. The application of insulation systems and materials, and air and/or vapor barrier systems and materials, by spray, trowel, roller, adhesive, or mechanically fastened in or to all masonry walls;
 5. The caulking of abutting masonry openings in masonry walls, expansion joints, and false joints in all types of masonry;
 6. The waterproofing of all types of masonry, which shall include installation and application of air and/or vapor barrier systems and materials by spray, trowel, roller, adhesive, or mechanically fastened; and
 7. The cleaning, tuckpointing, sandblasting, steam cleaning, and Guniting work on all types of masonry;
- (D) **Carpenter**—Applies to workers who construct, erect, install and repair structures, structural members

and fixtures made of wood, plywood, wallboard and materials that take the place of wood, such as plastic, metals, composites, fiberglass, and Transit sheeting and Cemesto Board, using carpenter hand tools and power tools. The work falling within this occupational title of work description includes:

1. The layout of buildings or structures on the site or plot. The installation of aluminum expansion joints for buildings and bridge structure as well as concrete strike-off machines;
2. The making and setting of all concrete forms (except curb forms on heavy construction), including establishment of building lines or flow lines (box culverts, bridges) including footing forms. The making of all forms used in tilt-up construction. The layout, installation and construction for wall forms and footing forms, all block-outs, wood or steel, layout and installation of all embedded items;
3. The building and handling of scaffolds used by carpenters to work from. All scaffolding, constructed or assembled, fourteen feet six inches (14'6") and higher for normal or specialty use—regardless of purpose;
4. The building of rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel and sewer support; welding and burning;
5. The selection of specified type of lumber or other materials. Prepare layout, using rule, framing square and calipers. Mark cutting and assembling lines on materials, using pencil, chalk and marking gauge. Shape materials to prescribed measurements, using saws, chisels and planes. Assemble, cut and shape materials and fasten them together with nails, dowel pins or glue. Erect framework for structures. Verify trueness of structure with plumb bob and carpenter's level. Apply decorative paneling to walls;
6. The installation of ladders, handrails, walkways, platforms and gangways made of wood as well as shoring and lagging. Install doors and wood and metal windows and bucks, including hardware (bucks are rough frames in which finished frames are inserted) in building framework and brace them with boards nailed to framework. Install pallet racks and metal shelving. Install subflooring in buildings. Install insulation such as batt, board, safig, thermal, styrofoam, sound attenuation, fiberglass when the installation of the insulation material is not being applied as an integral part of the roofing system. Nail plaster grounds (wood or metal strips) to studding. Fit and nail sheathing on outer walls and roofs on buildings. Install beams and trusses of wood laminate;
7. The making, handling and setting of all frames, sash, blinds, trim and other fixtures (for example, cabinets, bookcases and benches), when made of wood or any wood substitute. The handling and assembly of chairs, seats, bleachers and benches and other furniture in theaters, halls, schools and other places of assemblage on floors of any kind. Install protection screens, chalk boards, toilet partitions (plastic laminate, solid plastic). Caulking of fixtures and countertops including Corian tub and shower enclosures;
8. The installation of wood and metal studs and exterior panels;
9. The handling, cutting, sawing, fitting of drywall (sheetrock) and lead-lined drywall whether for walls, ceilings, floors, soffits or any use, no matter how installed—nailed, screwed, glued or otherwise (interior, exterior). Lead-lined drywall is used in X rays to avoid radiation exposure. Install corner guards and wooden and plastic column covers;
10. The handling and installation of acoustical and egg crate ceiling systems in its entirety (hanger wire, grid, molding, tile) whether vertically or horizontally installed;
11. The installation of all builders hardware, including door tracks of every description. The installation of all weather strips. The making, fitting and hanging of fly screens for doors, windows and other openings;
12. Installation of wood and hollow metal doors, rollup garage doors, overhead doors or rolling fire doors, automatic doors, channel iron door bucks, glass sliding and bi-fold doors; and

13. The installation of access flooring, computer floors and raised or elevated floors. Install modular headwall units and laboratory casework and fume hoods;
- (E) **Cement Mason**—Applies to workers who perform work on concrete where finishing tools are used. The work falling within this occupational title of work description includes:
1. The setting of screeds, the rodding (buildings), shaping, smoothing and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps and stairways, the finishing of extruded barrier rails or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds and straightedge;
 2. The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking;
 3. The molding of expansion joints and edges, using edging tools, jointers and straightedge;
 4. The application of penetrating sealer and primer protective coatings to concrete floors and steps when part of the finishing process;
 5. The installation of seamless composition floors and the installation and finishing of epoxy-based coatings or polyester-based linings to all surfaces, when the coatings or linings are applied by spraying or troweling;
 6. The sandblasting or water blasting for architectural finish or preparatory to patching;
 7. The cutting of joints with concrete saw for the control of cracks in buildings and sidewalks, driveways, and curbs and gutters contiguous to buildings; and
 8. The setting of concrete curb, gutter and sidewalk forms one (1) board high up to twelve inches (12");
- (A) **Communication (Electronic/Telecommunication) Technician**—Applies to workers who install, inspect, repair and service electronic and telecommunication systems. The work falling within the occupational title of Communication (Electronic/Telecommunication) Technician includes:
1. Installing, repairing and servicing of radio, television and recording systems and devices; systems for paging, intercommunication, public address, wired music, clocks, security and surveillance systems and mobile radio systems; fire alarm and burglar alarm systems;
 2. Wiring of low-voltage surface wiring and wiring in nonmetallic conduits and incidental shielded metallic conduit runs of no longer than ten feet (10') nor larger than one inch (1") when required in conjunction with the work listed in this rule;
 3. Installing, repairing, servicing, or a combination of these, of the Main Distribution Frame (MDF) where the permanent outside lines entering a building terminate and where the subscriber's line multiple cabling and trunk multiple cabling originate. It is usually located on the ground floor of a building;
 4. Installing, repairing, servicing, or a combination of these, of the Intermediate Distribution Frames (IDF), which provides flexibility in allocating the subscriber's number to the line unit or equipment in the office that is to be associated with the particular line. These frames are located on each floor of a building;
 5. Installing, repairing, servicing, or a combination of these, of the subpanels (blocks). The subpanels are connecting devices where large feed cables terminate at the distribution frames;
 6. Installing, repairing common equipment or key service unit, or a combination of these. This equipment consists of a backboard assembly and an equipment mounting frame, which are utilized for connecting external telephones;
 7. Installing, repairing, servicing of the instruments, terminals and sets, or a combination of these. This equipment is at either end of a circuit, or at a subscriber's or user's terminal;
 8. Installing, repairing, servicing, or a combination of these, of the ancillary or add-on equipment

such as bells, buzzers, speakerphones, headsets, automatic dialers, recorders; and

9. Installing, repairing, servicing of the telephone cable, or a combination of these. Telephone cable includes: network channel service cable; riser cables between floors of a building; distribution cables installed on each floor of a building in the floor or the ceiling, and inside wires between the telephone and the connection to the distribution cable;

(G) **Electrician**—Encompasses two (2) subclassifications as follows, Inside Wireman and Outside-Line Construction/Lineman:

1. Inside wireman—Applies to workers who are responsible for installation, assembly, construction, inspection, operation, and repair of all electrical work within the property lines of any given property (manufacturing plants, commercial buildings, schools, hospitals, power plants, parking lots). This scope of work shall begin at the secondary site of the transformer when the transformer is furnished by the local utility and the service conductors are installed underground. When service conductors are installed overhead in open air from wooden poles, this scope of work shall start immediately after the first point of attachment to the buildings or structures. The work falling within this occupational title of work description includes:
 - A. Planning and layout of electrical systems that provide power and lighting in all structures. This includes cathodic protection systems utilized to protect structural steel in buildings and parking structures;
 - B. All handling, moving, loading, and unloading of any electrical materials, materials used in association with an electrical system, electrical equipment, and electrical apparatus on the job site, whether by hand or where power equipment and rigging are required;
 - C. Welding, burning, brazing, bending, drilling, and shaping of all copper, silver, aluminum, angle iron, and brackets to be used in connection with the installation and erection of electrical wiring and equipment;
 - D. Measuring, cutting, bending, threading, forming, assembling, and installing of all electrical raceways (conduit, wireways, cable trays), using tools, such as hacksaw, pipe threader, power saw, and conduit bender;
 - E. Installing wire in raceways (conduit, wireways, troughs, cable trays). This wire may be service conductors, feeder wiring, subfeeder wiring, branch circuit wiring;
 - F. Chasing and channeling necessary to complete any electrical work, including the fabrication and installation of duct banks and manholes incidental to electrical, electronic, data, fiber optic, and telecommunication installation;
 - G. Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together, and applying tape or terminal caps;
 - H. Installing and modifying of lighting fixtures. This includes athletic field lighting when installed on stadium structures or supports other than wooden poles, or both;
 - I. Installing and modifying of all electrical/fiber optic equipment (AC-DC motors, variable frequency drives, transformers, reactors, capacitors, motor generators, emergency generators, UPS equipment, data processing systems, and annunciator systems where sound is not a part thereof);
 - J. Installing of raceway systems utilizing conduit, conduit bodies, junction boxes, and device boxes for switches and receptacles. This also may include wiring systems utilizing other methods and materials approved by the *National Electrical Code* (MC cable, AC cable, BX, or flexible metal tubing or electrical nonmetallic tubing);
 - K. Installing of main service equipment, distribution panels, subpanels, branch circuit panels, motor starters, disconnect switches, and all other related items;

- L. Installing and wiring of instrumentation and control devices as they pertain to heating, ventilating, air conditioning (HVAC) temperature control and energy management systems, building automation systems, and electrically or fiber optic operated fire/smoke detection systems where other building functions or systems are controlled;
 - M. Installing conduit or other raceway greater than ten feet (10') when used for the following: fire alarm systems, security systems, sound systems, closed circuit television systems or cable television systems, or any system requiring mechanical protection or metallic shielding (telephone systems);
 - N. Testing continuity of circuit to insure electrical compatibility and safety of components. This includes installation, inspecting, and testing of all grounding systems including those systems designed for lighting protection; and
 - O. Removing electrical systems, fixtures, conduit, wiring, equipment, equipment supports, or materials involved in the transmission and distribution of electricity within the parameters of the building property line if reuse of any of the existing electrical system is required. This may include the demolition and removal and disposal of the electrical system;
2. Outside-line construction/lineman—Applies to workers who erect and repair transmission poles (whether built of wood, metal, or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables, and related auxiliary equipment for high-voltage transmission and distribution powerlines used to conduct energy between generating stations, substations, and consumers. The work (overhead and underground) falling within this occupational title of work description includes:
- A. Construction, repair, or dismantling of all overhead and underground electrical installations. The handling and operation of all equipment used to transport men, tools, and materials to and from the job site. The framing, trenching, digging, and backfilling of vaults, holes and poles and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, stringing overhead wire, installing underground wire, splicing, and installation of transformers;
 - B. Construction and repair of highway and street lighting and traffic signal systems, cathodic protection systems, and ball field lighting systems;
 - C. Lineman operator—Operates equipment used on the outside line portion of a project. The lineman operator assists linemen in the performance of their work but does not climb or work out of any type of aerial lift equipment. The lineman operator does not perform any work that requires the use of hand tools;
 - D. Groundman—Work performed on the ground to assist the journeymen outside-line construction/lineman on work not energized. Groundmen use jack hammers, air drills, shovels, picks, tamps, trenching equipment, and other such tools for excavating and/or compacting dirt or rock on the outside line portion of a project but do not use hand tools;
 - E. Lineman tree trimmer—Trimming and removal of trees, stumps, limbs, brush, and other related tasks in and around electrical systems by use of chain saws, pruners, pole saws, and hand saws only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Lineman tree trimmer work may be performed on the ground and in the air; and
 - F. Groundman tree trimmer—Assists the lineman tree trimmer in the performance of their work using rakes, chain saws, chippers, and industrial mowers in and around electrical systems only when specifically required to provide clearance and right-of-way preparation for installation of

- overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Groundman tree trimmer work is only performed on the ground; and
3. The occupational title of electrician may include in a particular wage determination the subclassifications of lineman operator, groundman, lineman tree trimmer, groundman tree trimmer, or any combination of these, pursuant to section (6). The description of work and corresponding wage rates shall be established pursuant to the proceedings set forth in section (6);
- (H) **Elevator Constructor**—Applies to workers who assemble and install electric and hydraulic freight and passenger elevators, escalators, dumbwaiters and moving walks. The work falling within this occupational title of work description includes:
1. The handling, unloading and hoisting of all equipment to be assembled or installed by workers performing work within this occupational title of work description, from the time that equipment arrives at, or near the building site;
 2. The wrecking or dismantling of elevator plants, to include elevators, escalators, dumbwaiters, moving walks and all other equipment to be reused and assembled or installed by workers performing work within this occupational title of work description;
 3. The sinking, drilling, boring, digging cylinder wells or backfilling for hydraulic lifts, hydraulic elevators or screw lifts;
 4. The layout, erecting and assembling of all elevator equipment (for example, electric, hydraulic, steam, belt, compressed air and hand-powered elevators; dumbwaiters, residence elevators, parking garage elevators); and the assembly of all escalators, moving walks and link belt carriers;
 5. The erecting and assembly of all theater stage and curtain equipment and guides and rigging to them, organ consoles and orchestra elevators;
 6. The installing of all wiring, conduit and raceways from the first point of attachment of main feeder terminals on the controller to other apparatus and operating circuits;
 7. The operating of temporary cars; and
 8. The installing of all elevator enclosures, fronts, fascias, sills, frames and bucks;
- (I) **Glazier**—Applies to workers who select, cut, prepare, handle, install or remove all window glass, plate and all other types of glass, including structural glass, mirror glass, tempered and laminated glass, safety or protection glass, all types of insulating glass units, all plastics or other similar materials when used in place of glass and when set or glazed with putty, moulding rubber, cement, lead and all types of mastic, or other materials used in place of same. The workers performing work within this occupational title of work description install these materials in windows, louvers, doors, partitions, skylights and on building fronts, walls, ceilings and tables, whether the materials are set in wood, stone, cement or metal of all types. The work falling within the occupational title of work description includes:
1. The installing of mirrors of all types;
 2. The marking of an outline or pattern on glass and cut glass with a glasscutter;
 3. The breaking off of excess glass by hand or with a notched tool;
 4. The fastening of glass panes into wood sash with glazier's points, and the spreading smooth of putty around the edge of panes with a knife to seal joints;
 5. The installing of metal window and door frames into which glass panels are to be fitted or sliding windows. The bolting of metal hinges, handles, locks and other hardware to prefabricated glass doors;
 6. The installing of mirror or structural glass on building fronts, walls, ceilings or tables, using

- mastic, screws or decorative moulding;
7. The installing of metal-framed glass enclosures for showers, bathtubs and skylights; and
 8. The installing, cutting and removal of all window glass, plate and all other types of glass, including structural glass, mirror glass, tempered and laminated glass, safety or protection glass, all types of insulating glass units, all plastics or other similar materials when used in place of glass and when set or glazed with putty, molding rubber, cement, lead and all types of mastic, or other materials used in place of same;
- (J) **Ironworker**—Applies to workers who perform work in connection with field fabrication, erection, or both, installation, removal, wrecking and dismantling of structural, architectural and reinforcing iron and steel, ornamental lead, bronze, brass, copper and aluminum, and plastics or other materials when used in place of them. The work falling within the occupational title of work description includes:
1. Structural. The unloading, erecting, bolting-up, plumbing-up, welding and in-stalling of structural steel, including any field fabrication;
 2. Reinforcing. The unloading, carrying, placing and tying of all concrete reinforcing, such as re-bar, wire mesh, expanded metal or post tensioning cable (including the tension process) or prestress cables when installed on the job site;
 3. Rigging. The unloading, moving, handling, placing and setting of electrical machinery and equipment when rigging or power equipment, or both, is used (with the exception of setting of electric motors). The assembly and erection of radio and television and other structural steel towers (with the exception of electrical transmission towers). The unloading, handling, moving and placing of machinery to be assembled or dismantled, erected or installed to its approximate position (over the anchor bolts);
 4. Windows. The installation of metal windows (with the exception of store fronts display windows), curtain walls and metal panels. The caulking of metal-to-metal joints and metal-to-brick;
 5. Doors. The erection of curtain type doors (overhead rolling-type doors), heavy industrial doors when made of metal, fire doors and exterior metal hinged doors that carry a fire underwriters label are erected by iron workers;
 6. Sheeting and decking. The installation of sheeting which is attached to metal framework including metal floor decking;
 7. Metal buildings. The erection and installation of structural steel and sheet metal packaged buildings when they come in a package unit, such as Butler, Delta, Varco Prudent or other name brand packaged buildings. The installation of all doors, windows and insulation (when installed in conjunction with sheeting) in the packaged buildings. The installation of metal siding and metal roof decking, regardless of the fastening method or the object to which it is fastened;
 8. Elevators. The installation of elevator doors for gates manually operated and all elevator enclosures, fronts, fascias, sills, frames and bucks;
 9. Precast. The unloading and installation/erection of precast bridge girders, single T's, double T's, top panels and tilt-up slabs; and
 10. Other. The installation of all catwalks, stairways and hand rails made of aluminum, bronze or any type of metal, glass or plastic. The installation of ornamental iron, such as revolving doors, gates, handrails, window grills, jail and cell work and chain link fences. The installation of dry storage bins, hoppers, chutes and conveyors where sand ore, coal or any dry component is stored or transferred. The erection, installation, removal, wrecking and dismantling of bridges, viaducts, cableways, tramway, monorail transportation systems. The erection, installation, removal, wrecking and dismantling of locks, gates, metal forms, railings (including pipe). The erection, installation, removal, wrecking and dismantling of frames in support of boilers. The installation of

metal siding and metal roof decking, regardless of the fastening method, or the object to which it is fastened. The handling, burning, welding and tying of all materials used to reinforce concrete structures. The installation and erection of TV and microwave towers, self-supporting towers or guy towers. The installation of metal guardrails with metal posts and highway signage;

(K) **Laborer**—Consists of providing routine manual labor. This work encompasses several subclassifications, with the title and work description considered in light of whether the public works project pertains to building construction or heavy/highway construction.

1. Building construction. The subtitles falling within the occupational title of work description for laborer, as applicable to building construction, are as follows:

A. General laborer. The work falling within this subtitle of work description includes:

- (I) Being included in one of the following categories: flagmen, heaters, material plant man, carpenter tender, landscaper, signalman, wrecker (old/new structures), form handler or posthole digger;
- (II) Cleaning and clearing of all debris for all crafts, loading and unloading, conveying, distributing, construction material by hand and collecting and hoisting debris, backfilling, grading and landscaping by hand;
- (III) Covering of tanks, structures and material piles with tarpaulins or other materials. Cleaning of masonry and other type walls and windows. Signaling and hoisting concrete buckets and for all other material handled by workers falling within the occupational title of work description for laborer;
- (IV) Providing drinking water. Handling and cleaning of concrete chutes. Cleaning of concrete spills and chipping where hand tools are required. Performance of work necessary in remedying defects in concrete caused by leakage, bulging, sagging or shifting of forms when finishing tools are not used. Jackhammer and paving breaker, air compressors, motor buggies, pumps (removal of water), except set-up men and nozzle men, chipping tool operator, concrete mixer operator (up to and including two (2)-bag capacity); and
- (V) Laying nonpressurized pipe for downspout drain lines, header lines or laying of nonpressurized conduit, or a combination of these, for the carrying of storm water, waste, sewage, gravity flow lines, catch basins and manholes, effluent lines, originating outside the building and all those lines originating inside the building at the first Y, T or connection outside the building;

B. First semiskill laborer. The work falling within this subtitle of work description includes: hod-carriers, plasterers and cement mason tenders (who assist bricklayers, plasterers and cement masons). The mixing, packing, wheeling and tempering of mortar and fire clay. The mixing, handling and conveying of all other materials used by bricklayers, plasterers and cement masons (for example, brick, tile, stone and cast stone), whether done by hand or using a forklift (walk behind or similar types). Building of scaffolds, trestles, boxes and swinging staging for bricklayers, plasterers and cement masons; and

C. Second semiskill laborer. The work falling within this subtitle of work description includes: concrete pump set-up men and nozzle men, tile layers and bottom men, on sewers and drains, cutting torch and burning bar (demolition), trench or pier holes twelve feet (12') or over, wagon drill, air track or any mechanical drill, powder man, tamper, one hundred pounds (100 lbs.) or over, laborers working for mechanical and electric contractors (including but not limited to digging of all trenches, ditches, holes, paving of concrete and cleaning of all trash), paving breaker, jackhammer and vibrator, laser beam man for sewer, grade checker for roads

and railroads, asbestos removal (except mechanical systems that are not being scrapped and any type of roofing where the roof is to be relaid), hazardous waste removal, disposal work, or any combination of these.

2. Heavy/highway construction. The subtitle falling within the occupational title of work description for laborer, as applicable to heavy/highway construction, are as follows:

- A. General laborer. The work falling within this subtitle of work description includes: carpenters tenders, salamander tenders, dump man, ticket takers, flagman, loading trucks under bins, hoppers and conveyors, track men, cement handler, dump man on earth fill, Georgia buggy man, material batch hopper man, spreader on asphalt machine, material mixer man (except on man holes), coffer dams, riprap pavers—rock, block or brick, signal man for materials handled by laborers, scaffolds over ten feet (10') not self-supported from ground up, skipman on concrete paving, wire mesh setters on concrete paving, work in connection with nonpressurized pipelines, such as nonpressured sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and other nonpressurized pipelines; power tool operator; work performed by hand in connection with hydraulic or general dredging operations, form setters (curb and gutter), puddlers (paving only), straw blower nozzle man, asphalt plant platform man, chuck tender, crusher feeder, men handling creosote ties or creosote materials, men working with and handling epoxy material(s), topper of standing trees, feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work, deck hands, guardrail and temporary signs, pile dike and revetment work, all laborers working on underground tunnels less than twenty-five feet (25') where compressed air is not used, abutment and pier hole men working six feet (6') or more below ground, men working in coffer dams for bridge piers and footings in the river, Barca tamper, Jackson or any other similar tamp, cutting torch man, liners, curb, gutters, ditchliners, hot mastic kettleman, hot tar applicator, hand blade operators and mortar men on brick or block manholes, rubbing concrete, air tool operator under sixty-five pounds (65 lbs.), caulker and led man, chain or concrete saw under fifteen horsepower (15 HP). The unloading, handling and carrying of concrete reinforcing bars, by hand, to the areas in which they are used, wrecking, stripping, dismantling, cleaning, moving and oiling of all concrete forms; digging and laying sewer tile; and

- B. Skilled laborer. The work falling within this subtitle of work description includes: vibrator man, asphalt raker, head pipe layer on sewer work, batterboard man on pipe and ditch work, cliff scalers working from Bosun's chairs, scaffolds or platforms on dams or power plants over ten feet (10') high, air tool operator over sixty-five pounds (65 lbs.), stringline man on concrete paving and the like, sandblast man, laser beam man, wagon drill, churn drill, air track drill and all other similar type drills, jackhammers and other pneumatic hammers and tampers, Gunit nozzle man, pressure grout man, screed man on asphalt, concrete saw fifteen (15) HP and over, grade checker, stringline man on electronic grade control, manhole builder, dynamite man, powder man, welder, tunnel man waterblaster—one thousand pounds per square inch (1000 psi) over, asbestos (except mechanical systems that are not being scrapped), hazardous waste removal, disposal, or any combination of these;

- (L) **Lather**—Applies to workers who erect horizontal metal framework to which laths are fastened, using nails, bolts, studgun, or a combination of these, drills holes in floor and ceiling and drives ends of wooden or metal studs into holes to provide anchor for furring or rockboard laths. The occupational title of lather applies to workers who nail, clip or fasten, all types of wood, wire and metal laths, plasterboard, wallboard, rockboard, gypsum, sheetrock and acoustical materials which take the place

of same to walls, ceilings and partitions of buildings to provide supporting base for plaster, fireproofing or acoustical material. The occupational title of work description for lather applies to workers who erect all metal plastering accessories which are covered or serve as ground, or both, guard, stock or screed for plaster materials, including wire mesh. The work falling within the occupational title of work description includes:

1. The installing of carrying bars and purlins (pieces of horizontal timber), light iron and metal furring (thin strips of wood or metal to create air space) of all descriptions, such as rods, channels, flat iron, T-bar, H-bar and other ceiling bars or systems for the receipt of lath and board;
2. The wiring of plasterer channels to overhead structural framework to provide support for plaster or acoustical ceiling tile; and
3. The nailing of plaster grounds (wood or metal strips) to studding to provide a guide for those workers performing work falling within the occupational title of work description for plasterer;

(M) **Linoleum Layer and Cutter**—Applies to workers who measure, cut, sew, make-up and seam, tape, fit, lay and install and seal and wax materials to be cemented, tacked or otherwise applied to its base, wherever it may be. These materials may be used as shock-absorbing, sound-absorbing or decorative coverings. With the exception of terrazzo, magnesite and latex built-up floors, the materials include oil cloth, matting, linen, carpet, synthetic turf, linoleum, vinyl, plastic, rubber, cork, mastic, asphalt, mastipave, tile, wood tile, interlocking and magnetic tile, chalk and bulletin board, nonslip or abrasive materials, resilient, decorative seamless surface coatings, monolithic coverings (monolithic shall mean all resilient seamless material such as epoxy, polyethylene, plastics and their derivatives, components and systems) and all other resilient coverings on floors, walls, counters, table tops and ceilings. The work falling within the occupational title of work description includes:

1. The handling of materials at the point of installation;
2. The performing of all necessary preparation and finish work, such as sweeping, scraping, sanding, or chipping dirt and irregularities from base surfaces and filling cracks with putty, plaster, or cement grout to form smooth, clean foundations, drilling holes for sockets and pins;
3. The installing of underlayment, sanding and filling, fitting of metal edgings, metal corners and caps and fitting devices for attachment of these materials;
4. The spreading of adhesive cement over floor to cement foundation material to the floor;
5. The laying of covering on cement; and
6. The rolling of finished floor to smooth it out and press cement into base and covering;

(N) **Millwright**—Applies to workers who design, build, or repair mills or mill machinery; hoist, dismantle, erect, assemble, line and adjust all machines used in the transmission of power in buildings, factories or elsewhere; unload machines used in the transmission of power in buildings, factories or elsewhere, where power equipment and rigging are required. The work falling within this occupational title of work description includes: the setting of all classes of engines, direct drive motors, dynamos, turbines, generators and air compressors and pumps. The assembling, setting and packing of all compressors and pumps. The placing of all pulleys, sheaves and fly wheels on the listed equipment. The making and setting of all templates and bolts for all machinery requiring same. Drypacking for sole plates. Installation of truck and railroad scales. Installation of trash compactors. Installation of all types of conveyors. The cutting and threading of all bolts. The handling and operating of all acetylene and devices for heating, welding and cutting when used in connection with millwright work;

(O) **Operating Engineer**—The workers who perform work falling within the occupational title of work description for operating engineer/portable and hoisting operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any

power-operated equipment. This occupational title encompasses several subclassifications, with the title and work description considered in light of whether the public works project pertains to building construction or heavy/highway construction.

1. Building construction. The subtitles falling within the occupational title of work description for operating engineer, as applicable to building construction, are as follows:

- A. Group I—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: crane (for example, crawler or truck); dragline—clam shell—gradall; Derrick (all types); kimmer scoop; power shovel or backhoe over one (1) cubic yard; pile driver (for example, land or floating); Whirley; mechanic and welder; hydraulic, self-propelled crane; stinger or cherry picker crane; switch boat; concrete portable plant/concrete mixer paver; cableways;
- B. Group II—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: asphalt paver and spreader/concrete spreader; asphalt plant mixer operators; asphalt plant operator; backfillers; back hoe (under one (1) cubic yard); Barber-Green loader (similar type); blade—power, all types; boats—power; boilers; boring machine (all types, including tunnel boring); brooms—power operated (all types); concrete saw (self-propelled); chip spreader (front man); clef plane operators; combination concrete hoist and mixer such as mix or mobile; crab—power operated; crusher rock; ditching machine; dozer/dredges; finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist operator (all types); hopper—power operated; hydra hammer (all types); Lad-A-Vator—similar type; loaders—all types, including skid-steer (for example, bobcat); locomotives (all types); curb finishing machine; mucking machine; orange peels; pumps (all types); push cats; rollers (all types); scoops (all types except skimmer scoop); self-propelled rotary drill; air compressors (all types); side boom; siphons, jets and jennies; welding machine; subgrader; testhole machine; throttle man tractors over fifty (50) HP; air tugger with air compressor; anchor placing barge; Ahoy force feeder loader (self-propelled); bull float; pipe cleaning/wrapping machine; conveyor; heaters, fuel fired with forced air; quadtrack; tie tamper; vibrating machine; well drilling machine; forklift (except masonry forklift);
- C. Group III—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: tractors (under fifty (50) HP); distributor (bituminous); scissor lift; small machine (operator); mud jack; wench truck operator; pug mill operator; elevator-push button; A-frame truck; mixers; oilers;
- D. Group III-A—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as a masonry forklift;
- E. Group IV—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as a self-propelled floor sweeper; and
- F. Group V—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: elevator—auto; air pressure oiler; air pressure engineer.

2. Heavy/highway construction. The subtitles falling within the occupational title of work description

for operating engineer, as applicable to heavy/highway construction, are as follows:

- A. Group I—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: asphalt finishing machine and trench; widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator (all types); boat operator (all types); boilers—two (2); central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; Derrick or Derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader including skid steer (for example, bobcat); hoisting engine—two (2) active drums; launchhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; Pitman crane operator; push cat operator; quadtrack; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane;
 - B. Group II—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; Barber-Greene loader; chip spreader; concrete mixer operator, skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; forklift; greaser—fleet; hoisting engine—one (1); locomotive operator—narrow gauge; multiple compactor; pavement breaker; power-broom—self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator—over fifty (50) HP; wench truck;
 - C. Group III—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: boilers—one (1); chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator self-propelled; curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high-type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator—combination boiler and booster; tractor operator fifty (50) HP or less; Ulmac, Ulric or similar spreader; vibrating machine operator, not hand;
 - D. Group IV—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as an oiler; and
 - E. Oiler-driver—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: fireman—rig; maintenance operator;
- (P) **Painter**—The work falling within the occupational title of work description for painter includes:
- 1. Preparation of surfaces. The washing, cleaning, pointing and taping of drywall, regardless of material used, and smoothing of surfaces, using sandpaper, brushes or steel wool. The removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brushing,

sandblasting, water blasting, liquid steam or by any other similar process. The filling of nail holes, cracks and joints with putty, plaster or other fillers;

2. Color matching and mixing. The application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind of quality applied to walls or ceilings with paste or adhesive, using brushes, spray gun (spray painter) or paint rollers. The application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surface (except roofs) when applied with brushes, spray guns or rollers;
3. Texturing and decorating. The erecting of scaffolding or setting up of ladders to perform the work above ground level. The paperhanging of walls and ceilings with decorative wall coverings made of fabric, vinyl or paper. The preparing of the surface to be covered by applying sizing, which seals the surface and makes the covering stick better. The removal of the old covering by soaking, steaming or applying solvents. The patching of holes and other imperfections before applying the new wall covering. The measuring of the area to be covered; the cutting of the covering into strips of the proper size, the checking of the covering for flaws and the examination of the pattern so it can be matched when the strips are hung. The preparation of paste or other adhesives according to manufacturers' directions, and the brushing or rolling it on the covering. The placing of the strips on the wall or ceiling, to match adjacent patterns. The smoothing of the strips to remove bubbles and wrinkles; the trimming of the top and bottom with a razor blade; and the painting or taping of highway striping, or both; and
4. Cleanup. The cleanup of tools and equipment required in connection with work falling within this occupational title;

(Q) **Plasterer**—Applies to workers who apply gypsum, Portland cement, stucco, imitation stone and kindred materials and products to interior walls, ceilings and partitions and to exterior walls of buildings, and finish those materials and products. The work falling within the occupational title of work description includes:

1. The spreading of plaster over laths, masonry or any other base, using trowel; and smoothing the plaster with darby and float for uniform thickness;
2. The application of the various manufacturers' brand names of thin coat or plaster veneer;
3. The application of all bonding agents and mastic;
4. The roughing of undercoat with wire or metal scraper to provide bond for succeeding coat of plaster;
5. The application of all malleable plastic materials and epoxy materials;
6. The setting in place of plasterboard, insulation board, styrofoam and bead-board, ground, locks, patent dots, cork plates, brownstone and acoustical tile, fiberglass reinforcement and finished products;
7. The plastering of joints, nail holes and bruises on wallboard;
8. The grouting and filling of door bucks, runners and similar installations, in conjunction with plastering operations;
9. The application of scratchcoat, browncoat and finish coat of plaster to wood, metal or board laths successively to all ceilings and walls when finished with terrazzo or tile, and the application of any plastic material to same;
10. The fireproofing of all building assemblies with plaster materials, sprayed fiberglass or similar materials, whether applied to gypsum, metal lath or directly;
11. The application of crushed stone, marble or ceramic chips and broken glass where embedded in plaster, or similar materials;
12. The placing of acoustic blocks with any plastic material, regardless of thickness;

13. The placing, by any method, of plaster or composition caps and ornaments;
 14. The creating of decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones (stucco) where plastering equipment or materials, or both, are used; and
 15. The operation and control of all types of plastering machines, including power trowels and floats;
- (R) **Plumber**—Applies to workers who install and repair domestic potable water lines, gravity waste disposal systems inside the curb or fence lines, plumbing fixtures such as: bathtubs, sinks and toilets—and appliances such as, dishwashers and water heaters. The work falling within the occupational title of work description for plumber includes:
1. Assembling and installing piping systems, fixtures and equipment for the transportation of domestic water and sewage. Piping systems installed in structures (for example, buildings, industrial plants) to the first Y, T or connection located outside the building;
 2. Cutting, threading and bending pipe. Joining pipes by use of screws, bolts, fittings, solder, welding brazing and caulking or any other method of making joints in the plumbing industry;
 3. Assembling, installing and repairing valves, pipe fittings and pumps. Testing the piping system. Installing and repairing plumbing fixtures, such as sinks, bathtubs, water heaters and water softeners; and
 4. Cutting holes in floors and walls for pipes with point and hammer, core drill, or both;
- (S) **Pile Driver**—The work falling within the occupational title of work description for pile driver includes:
1. The handling, layout, driving, cutting and splicing of wood, metal or concrete piling regardless of purpose (for example, sheets, I-beams, pile caps and welding to piling);
 2. The assembly, disassembly and rigging of the pile driving equipment; and
 3. The conduct of underwater diving that is incidental to pile driving work;
- (T) **Pipe Fitter**—Applies to workers who fabricate, install and repair piping systems to include: water and waste processing systems; heating and air-conditioning systems, pneumatic controls and pneumatic delivery systems; powerhouse and all pressurized piping systems; gas, oxygen systems; gasoline systems not for public sale. The work falling within this occupational title of work description includes:
1. Piping systems installed in structures (for example, buildings, industrial plants and the like);
 2. Cutting, threading and bending pipe. Joining pipes by use of screws, bolts, fittings, solder, welding and caulking, or any other method of making joints in the pipefitting industry;
 3. Assembling, installing, and repairing valves, pipe fittings and pumps. Testing the piping system. Cutting holes in floors and walls for pipes with point and hammer, core-drill, or both;
 4. Installing of distribution lines (for example, water mains, sewer mains, oil and gas lines);
 5. Welding of steel pipe joints and joining pipes with screws, bolts, fittings, solder, caulking or any other method for making joints in the industry; and
 6. Joining ductile iron and plastic pipes by using any method for making joints in the industry, when the pipe will be under pressure;
- (U) **Roofer/Waterproofer**—Applies to workers who apply and install any and all types of roofing materials, other than sheet metal. The work falling within this occupational title of work description includes:
1. The installation of slate and tile and all substitute materials taking the place of slate and tile used for roofing including flat or promenade slate, with necessary metal flashing to make water-tight;

2. The cementing in, on or around slate and tile roofs. The laying of felt or paper beneath the slate and tile. The dressing, punching and cutting of all roof slate or tile either by hand or machinery;
 3. The installation of all forms of plastic, slate, slag, gravel; asphalt and composition roofing; rock asphalt mastic when used for damp and waterproofing; prepared paper; compressed paper and chemically prepared paper, and burlap with or without coating. The installation of all damp resisting preparations regardless of the method of application in or outside of building. The installation of damp courses, sheeting or coating on foundation work and tarred roofs. The laying of the tile or brick, when laid in asphalt or pitch tar;
 4. The installation and application of new materials used in roofing, water-proofing, encapsulation and containment process including all forms of elastomeric or plastic (elastoplastic), or both, roofing systems, both sheet and liquid applied, whether single-ply or multi-ply. The installation of aggregates or stone, used as a ballast for inverted roofing membrane assembly, or roof of similar construction where insulation is laid over the roofing membrane. The sealing and caulking of seams and joints on these elastoplastic systems to insure water-tightness. The applying of liquid-type elastoplastic preparation for roofing, damp or waterproofing when applied with a squeegee, trowel, roller or spray equipment whether applied inside or outside of a building. The priming of surfaces to be roofed, damp or waterproofed, whether done by roller, mop, swab, three (3)-knot brush or spray systems. The waterproofing of all types of preformed panels;
 5. The application of all types of spray-in-place such as urethane or polyurethane, and the coatings that are applied over them;
 6. The application of roof insulation, when the insulation material is applied as an integral part of the roofing system, whether the insulation material is applied as the first, last or any other layer in between;
 7. The operation and servicing of all kettles, bulk tankers, stationary heating tankers and other types of equipment and tools used to accomplish this work (including heating systems for the operation of the equipment); and compressors for applying roofing material components, roof and mop carts, hydraulics, tools and equipment, be it hand or power, needed to apply waterproofing, insulated and roofing materials;
 8. The handling, hoisting and storing of all roofing, damp and waterproofing materials; and
 9. The tear-off, removal, or both, of any type of roofing, all spudding, sweeping, vacuuming, cleanup, or a combination of these, of any areas of any type where a roof is to be relayed;
- (V) **Sheet Metal Worker**—The work falling within the occupational title of sheet metal worker includes:
1. The handling, conditioning, assembling, installing, servicing, repairing, altering and dismantling of the duct work for the heating, ventilation and air-conditioning systems regardless of the materials used and the setting of all equipment and all supports and reinforcements in connection with the system;
 2. The installation of expansion and discharge valves, air filters, and water filters in heating, ventilation and air-conditioning systems;
 3. The testing and balancing of air-handling equipment and duct work;
 4. The forming, rolling, drawing, stamping or pressing of sheet metal shingles, sheet metal tile, sheet metal brick, sheet metal stone and sheet metal lumber, when specified for use as roofing, siding, waterproofing, weather proofing, fire proofing or for ornamental or any other purpose;
 5. The performing of sheet metal work specified for use in connection with or incidental to steeples, domes, minarets, look outs, dormers, louvers, ridges, copings, roofing, decking, hips, valleys, gutters, outlets, roof flanges, flashings, gravel stops, leader heads, down spouts, mansards, balustrades, skylights, cornice moulding, columns, capitals, panels, pilasters, mullions, spandrels

and any and all other shapes, forms and design of sheet metal work specified for use for waterproofing, weatherproofing, fire proofing, ornamental, decorative or display purposes, or as trim on exterior of the buildings;

6. The installing of sheet metal ceilings with cornices and mouldings of plain, ornamental, enameled, glazed or acoustic type;
7. The installing of side walls, wainscoting of plain, ornamental, enameled or glazed types, including sheet metal tile;
8. The application of all necessary wood or metal furring, plastic or other materials, to which they are directly applied;
9. The performing of sheet-metal work specified for use in connection with or incidental to direct, indirect or other types of heating, ventilating, air-conditioning and cooling systems (including risers, stacks, ducts, S strips, fittings, dampers, casings, recess boxes, outlets, radiator enclosures, exhausts, ventilators, frames, grisses, louvers, registers, cabinets, fans and motors);
10. The air washers, filters, air brushes, housings, air-conditioning chambers;
11. The setting and hanging of air-conditioning units, unit heaters or air-veyor systems and air handling systems regardless of material used;
12. The assembling and setting up of all cast iron parts, warm air furnace, all stoker, gas and oil burner equipment used in connection with warm air heating, all sheet metal hoods, casings, wall stacks, smoke pipes, truck lines, cold air intake, air chambers, vent pipes, frames, registers, dampers and regulation devices;
13. The installing of equipment utilized in the operation of kitchens including ranges, canopies, steam tables, work tables, dishwashers, coffee urns, soda fountains, warming closets, sinks, drainboards, garbage chutes, incinerators and refrigerators;
14. The installing of tubing, pipes and fittings, used in connection with or incidental to coppersmithing work. The installation of fume hoods, metal toilet partitions, metal lockers, plain metal shelving; and
15. The handling, moving, hoisting and storing of all sheet metal materials on the job site, where power equipment and rigging are required;

(W) **Sprinkler Fitter—Fire Protection**—Applies to workers who perform the installation, adjustments and corrections, repair and dismantling of all fire protection and fire control systems and the installation of all fire piping for tubing, appurtenances and equipment. The work falling within the occupational title includes: The handling and installation of all piping and appurtenances pertaining to sprinkler equipment, including both overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to the sprinkler systems, sprinkler tank heaters, air lines and thermal systems used in connection with sprinkler and alarm systems, tank and pump connections, and fire protection systems using mulsifyre, spray, water, fog, carbon dioxide (CO₂), gas and foam and dry chemical systems;

(X) **Terrazzo and Marble Occupational Titles**—This subsection sets forth work descriptions for three (3) occupational titles related to terrazzo and marble work.

1. Terrazzo Worker-Marble Mason—The work falling within the occupational title of work description for Terrazzo Worker-Marble Mason includes:
 - A. The installing of marble, mosaic, venetian enamel and terrazzo; the cutting and assembling of mosaics and art ceramics; the casting of all terrazzo on the job site; all rolling of terrazzo work;

- B. The preparing, cutting, layering or setting of metal, composition or wooden strips and grounds on all bedding above concrete floors or walls; and the laying and cutting of metal, strips, lath or other reinforcement, where used in terrazzo work;
 - C. The installing of cement terrazzo, magnesite terrazzo, dex-o-tex terrazzo, epoxy matrix terrazzo, exposed aggregate. Rustic or rough wash of exterior or interior of buildings. The mixturing or applying of any other kind of mixtures of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother of pearl, quartz ceramic colored quartz, and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium chloride or any other resinous or chemical substances used for seamless flooring systems. The applying of binding materials when used on walls, floors, ceilings, stairs, saddles or any other part of the interior or exterior of the building, or other work not considered a part of the building such as fountains, swimming pools;
 - D. The finishing of cement floors where additional aggregate of stone is added by spreading or sprinkling on top of the finished base and troweled or rolled into the finish and then the surface ground by grinding machines (When no additional stone aggregate is added to the finished mixture, even though the surface may be ground, the work falls within the occupational title of work description for cement masons.); and
 - E. The carving, cutting and setting of all marble, slate, including slate backboards, stone, albeeren, carrara, sanionyx, vitrolite and similar opaque glass, scaglioa, marbleithic and all artificial, imitation or case marble of whatever thickness or dimension. This shall apply to all interior work, such as sanitary, decorative and other purposes inside of buildings of every description wherever required, including all polish, honed or sand finish;
2. Marble Finisher—The work falling within the occupational title of work description for Marble Finisher includes:
- A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Marble Mason installation of construction materials on floor and/or walls; the movement of marble installation materials, tools, machines, and work devices to work areas; the erection of scaffolding and related installation structures;
 - B. The movement of marble slabs for installation; the drilling of holes and the chiseling of channels in edges of marble slabs to install wall anchors, using power drill and chisel; the securing of marble anchors to studding, using and covering ends of anchors with plaster to secure anchors in place;
 - C. The supply and mixture of construction materials for Marble Mason; the mixture of grout, as required, following standard formulas and using manual or machine mixing methods; the application of grout to installed marble; the movement of mixed mortar or plaster to installation area, manually or using wheelbarrow;
 - D. The removal of excess grout, using wet sponge; the cleaning of installed marble surfaces, work and storage areas, installation tools, machinery, and work aids, using water and cleaning agents;
 - E. The modification of mixing, material moving, grouting, polishing, and cleaning metal pieces, using a torch, spatula, and heat sensitive adhesive and filler;
 - F. The removal of marble installation materials and related debris from immediate work area; the storing of marble, installation material tools, machines, and related items; and
 - G. The provision of assistance to Marble Mason with the following tasks: bending or forming of wire to form metal anchors, using pliers; inserting anchors into holes of marble slab; securing anchors in place with wooden stakes and plaster; selecting marble slab for installation following numbered sequences or drawings; grinding and polishing marble, using abrasives,

chemical and/or manual, in machine grinding and/or polishing techniques, under Marble Mason's direction; the moving and positioning of marble;

3. **Terrazzo Finisher**—The work falling within the occupational title of work description for Terrazzo Finisher includes:

- A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Terrazzo Worker installation of construction materials on floors, base and/or walls; the moving of terrazzo installation materials, tools, machines, and work devices to area, manually or using wheelbarrow;
- B. The supply and mixture of construction materials for Terrazzo Worker; the preparation, mixture by hand, mixture by mixing machine, or transportation of pre-mixed materials and the distribution with shovel, rake, hoe or pail, of all kinds of concrete foundations necessary for mosaic and terrazzo work; the dumping of mixed materials that form base or top surface of terrazzo into prepared installation site, using wheelbarrow; the measuring of designated amounts of ingredients for terrazzo or grout, using graduated containers and scale, following standard formulas and specifications, and the loading of portable mixer using proper means of transport; the mixture of materials according to experience and requests from Terrazzo Worker;
- C. The spreading of marble chips or other material over fresh terrazzo surface and the pressing of the material into terrazzo by use of a roller; the application of grout finishes to surfaces of installed terrazzo; the spreading of grout across terrazzo to finish surface imperfections, using trowel; the installation of grinding stones in power grinders, using hand tools; the fine grinding and polishing of the surface of terrazzo, when grout has set, using power grinders; the application of curing agent to installed terrazzo to promote even curing, using brush or sprayer; the cutting of grooves in terrazzo stairs, using power grinder, and the filling of grooves with nonskid material;
- D. The modification of mixing, grouting, grinding, and cleaning position and the securing of moisture membrane and wire mesh prior to pouring base materials for terrazzo installation;
- E. The washing of the surface of polished terrazzo, using cleaner and water, and the application of sealer, according to manufacturer specifications, using brush; the cleaning of the installation site, and storage areas, tools, machines, and equipment; the removal of Terrazzo Worker materials and related debris from immediate work area; and
- F. The provision of assistance to Terrazzo Worker with the following tasks: grinding surfaces of cured terrazzo; using power grinders;

(Y) **Tile Occupational Titles**—This subsection sets forth work descriptions for two (2) occupational titles related to tile work.

1. **Tile Setter**—The work falling within the occupational title of work description for Tile Setter includes:

- A. The application of tile to floors, walls, ceilings, stair treads, promenade roof decks, garden walks, swimming pools and all places where tiles may be used to form a finished surface for practical use, sanitary finish or decorative purpose. (Tile includes all burned clay products, as used in the tile industry, either glazed or unglazed, all composition materials; all substitute materials in single units up to and including, fifteen inches by twenty inches by two inches (15" × 20" × 2") (except quarry tiles larger than nine inches by eleven inches (9" × 11")) and all mixtures in the form of cement, plastics and metals that are used as a finished surface.);
- B. The cutting and shaping of tile with saws, tile cutters and biters; and

- C. The positioning of tile and tapping it with a trowel handle to affix tile to plaster or adhesive base.
- 2. **Tile Finisher**—The work falling within the occupational title of work description for Tile Finisher includes:
 - A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods for Tile Setter to install construction materials on floors and walls; the movement of tiles, tile setting tools, and work devices from storage area to installation site manually or using wheelbarrow;
 - B. The supply and mixture of materials for Tile Setter; the supply and mixture of construction materials for Tile Setter; the mixture of mortar and grout accordingly to standard formulas and request from Tile Setter using bucket, water hose, spatulas, and portable mixer; the modification of mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; the supply to Tile Setter of mortar, using wheelbarrow and shovel; the application of grout between joints of installed tile, using grouting trowel; the application of grout; the cutting of installed tile;
 - C. The removal of excess grout from tile joints with a sponge and scraping of corners and crevices with a trowel; the application of caulk, sealers, acid, steam, or related agents to caulk, seal, or clean installed tile, using various application devices and equipment;
 - D. The wiping of surfaces of tile after grouting to remove grout residue and polish tile, using non-abrasive materials; the removal of Tile Setter materials and related debris from immediate work area; the cleaning of installation site, mixing and storage tools, and equipment, using water and various cleaning tools; the storing of tile setting material machines, tools, and equipment; and
 - E. The provision of assistance to Tile Setter to secure position of metal lath, wire mesh, felt paper, Dur/rock or wonderboard prior to installation of tile; and
- (Z) **Truck Driver-Teamster/Traffic Control Service Driver**—The workers who perform work falling within the occupational title of work description for truck driver-teamster includes the operation, repair and servicing of the following mechanical equipment. This occupational title encompasses several subclassifications, with the title and work description considered in light of whether the public works project pertains to building construction or heavy/highway construction.
 - 1. Building construction. The subtitles falling within the occupational title of work description for truck driver-teamster, as applicable to building construction, are as follows:
 - A. Group I—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: flat bed trucks single axle, station wagons, pick-up trucks, material trucks single axle, tank wagon single axle;
 - B. Group II—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: agitator and transit mix-trucks;
 - C. Group III—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: flat bed trucks tandem axle, articulated dump trucks,
 - D. material trucks tandem axle, tank wagon tandem axle; and
 - E. Group IV—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: semi and/or pole trailers, winch, fork and steel trucks, distributor drivers and operators, tank wagon semi-trailer, Insley wagons, dumpsters, half-tracks, speedace, euclids and other similar equipment, A-frame and Derrick trucks, float or low boy and boom truck.

2. Heavy/highway construction. The subtitles falling within the occupational title work description for truck driver-teamster, as applicable to heavy/highway construction, are as follows:
 - A. Group I—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: flat bed trucks single axle, station wagons, pick-up trucks, material trucks single axle, tank wagon single axle;
 - B. Group II—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: agitator and transit mix-trucks;
 - C. Group III—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: flat bed trucks tandem axle, articulated dump trucks, material trucks tandem axle, tank wagon tandem axle; and
 - D. Group IV—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil and service the following equipment: semi-and/or pole trailers, winch, fork and steel trucks, distributor drivers and operators, tank wagon semi-trailer, Insley wagons, dumpsters, half-tracks, speedace, euclids and other similar equipment, A-frame and Derrick trucks, float or low boy and boom truck.
3. The workers who perform work falling within the occupational title of traffic control service driver include:
 - A. The delivery, installation and pickup of traffic control devices;
 - B. The unloading and installation of barricades, plastic channelizer drums, safety cones and temporary flashing lights not to exceed one hundred fifteen (115) volts;
 - C. Regular periodic inspections to assure that traffic control devices are clean, clearly visible and properly positioned. Inspection and maintenance includes replacing batteries and bulbs in lights, cleaning reflective material and lenses and repairing or replacing damaged or missing devices when incidental to and part of a public works construction project; and
 - D. Removal of all traffic control devices by loading them on a truck and driving them to a storage yard where they are unloaded.

AUTHORITY: section 290.240.2., RSMo 2000. Original rule filed Sept. 15, 1992, effective May 6, 1993. Emergency amendment filed April 30, 1993, effective May 10, 1993, expired Aug. 28, 1993. Amended: Filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed Jan. 22, 1997, effective Sept. 30, 1997. Amended: Filed June 17, 2004, effective Dec. 30, 2004. Amended: Filed Aug. 19, 2010, effective Feb. 28, 2011. Amended: Filed Aug. 9, 2012, effective Feb. 28, 2013. Emergency amendment filed Nov. 7, 2014, effective Nov. 17, 2014, expired May 15, 2015. Amended: Filed Nov. 7, 2014, effective April 30, 2015.*

**Original authority: 290.240, RSMo 1957, amended 1969.*

Required Safety Training

The Construction Safety Training Act, Section 292.675, RSMo, requires all contractors and subcontractors who enter into contracts with public bodies for construction of public works to train their on-site employees regarding the potential hazards they may encounter. The training may be accomplished by providing a standard OSHA 10-hour program (taught by an OSHA-approved instructor) **or** a similar program approved by the Division of Labor Standards.

On-site employees include:

- Workers directly engaged in construction at the project site
- Workers at nearby or adjacent facilities used by the contractor or subcontractor for construction
- Workers engaged in the transportation of materials, fuel, or equipment from one place on the site of construction to another place on-site
- Drivers who deliver materials, fuel, or equipment to the site if they assist in loading or unloading the delivery vehicle once at the project site, or engage in any other work at the site.

Noncompliance and Penalties

On-site employees who have not completed required safety training within 60 days of beginning work on a project at the latest must be removed from the project and the employer will be subject to penalties as described in the Act. On-site employees who cannot provide proper documentation of completion of required safety training when requested will be given 20 days to produce the documentation before being removed from the project and before their employers will be subject to penalties.

Training programs may be conducted without prior Division approval. Any training program found to be non-compliant by the Division will result in disqualification of all employees who attended the training program and the penalties for non-compliance will apply.

The penalty for violation of the Act is \$2,500 plus \$100 for each calendar day, or portion of a day, that any non-compliant employee worked on the site. Additionally, each contractor and subcontractor is jointly liable for the penalties incurred by its subcontractors that have non-compliant employees.

For more information about Required Safety Training, or to see a list of acceptable training programs, visit labor.mo.gov/DLS/WorkplaceSafety/required_safety_training.asp.



PREVAILING WAGE

PROJECT NOTIFICATION – CONTRACTOR INFORMATION

1. Date of Notification		2. Annual Wage Order Number Included in Bid Specifications	
3. Popular or Descriptive Name of Project			
4. Estimated Project Cost of Completion (total construction contracts to be awarded)		\$	
5. Exact Location of Project <div>CountyCityTownship</div>			
6. Official Name of Public Body or Agency			
7. Name of Contact Person		8. Phone Number (include area code)	
9. Address			
10. E-mail Address		Website	
11. Anticipated Date for Soliciting or Advertising for Bids		12. Contract Award Date	
13. Estimated Start Date of Work	14. Estimated Date of Project Completion	15. Will There Be Any Federal Funds Used in this Contract? <input type="checkbox"/> Yes <input type="checkbox"/> No	
16. Contractor Information Notification			
General Contractor:			
Name			
Address			
CityStateZIP			
Phone NumberE-mail Address			
Type of Craftsmen Needed by Project			
Scope of Work			
List all Subcontractors:			
Name			
Address			
CityStateZIP			
Phone NumberE-mail Address			
Type of Craftsmen Needed by Project			
Scope of Work			
Name			
Address			
CityStateZIP			
Phone NumberE-mail Address			
Type of Craftsmen Needed by Project			
Scope of Work			

Mail, Fax or E-mail completed form to: DIVISION OF LABOR STANDARDS
 Attn: Prevailing Wage Section
 P.O. Box 449 Jefferson City, MO 65102-0449
Phone: 573-751-3403 Fax: 573-751-3721 E-mail: prevailingwage@labor.mo.gov Website: www.labor.mo.gov/DLS

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program.



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS

REQUEST FOR WAGE DETERMINATION

PLEASE RETURN TO: Division of Labor Standards
Attn: Prevailing Wage Section
P.O. Box 449
Jefferson City, MO 65102-0449

Phone: 573-751-3403
Fax: 573-751-3721
E-mail: prevailingwage@labor.mo.gov
Website: www.labor.mo.gov/DLS

REQUESTER INFORMATION

I am requesting a wage determination according to Chapter 290 of the Missouri Prevailing Wage Law (sections 290.210 through 290.340 and 290.550 through 290.580 RSMo).

Name of Requester (<i>please print</i>)		Requester's Title	
Requester's Organization		Phone Number (<i>include Area Code</i>)	
Mailing Address		E-mail Address	
City	State	ZIP Code	

PUBLIC BODY INFORMATION

Contact Person at Public Body			
Official Name of the Public Body requesting the wage rates		Phone Number (<i>include Area Code</i>)	
Street Address		E-mail Address	
City	State	ZIP Code	

FUNDING INFORMATION

Will the federal government or any of its agencies furnish loans or grants for any part of the funds used in your contracts?

☐ Yes ☐ No

If "Yes," will the federal government or any of its agencies also prescribe a schedule of Prevailing Wage Rates?

☐ Yes ☐ No

COUNTY(IES) REQUESTED

Please list county(ies) requested: _____
(for St. Louis, please specify "County" or "City")

ANNUAL WAGE ORDER PASSWORDS

The Annual Wage Order is being provided to requesters via the Division's website. Passwords are required to access the Annual Wage Order and Incremental Increases on the Internet. Please provide an e-mail address below where we can send a password to you.

E-mail address: _____

Requester's Signature

Date of Request



AFFIDAVIT

COMPLIANCE WITH THE PREVAILING WAGE LAW

I, _____, upon being duly sworn upon my oath state that: (1) I am the
(Name)

_____ of _____; (2) all requirements of
(Title) (Name of Company)

§§ 290.210 to 290.340, RSMo, pertaining to the payment of wages to workers employed on public works projects have been fully satisfied with regard to this company's work on _____;
(Name of Project)

(3) I have reviewed and am familiar with the prevailing wage rules in 8 CSR 30-3.010 to 8 CSR 30-3.060; (4) based upon my knowledge of these rules, including the occupational titles set out in 8 CSR 30-3.060, I have completed full and accurate records clearly indicating (a) the names, occupations, and crafts of every worker employed by this company in connection with this project together with an accurate record of the number of hours worked by each worker and the actual wages paid for each class or type of work performed, (b) the payroll deductions that have been made for each worker, and (c) the amounts paid to provide fringe benefits, if any, for each worker; (5) the amounts paid to provide fringe benefits, if any, were irrevocably made to a fund, plan, or program on behalf of the workers; (6) these payroll records are kept and have been provided for inspection to the authorized representative of the contracting public body and will be available, as often as may be necessary, to such body and the Missouri Department of Labor and Industrial Relations; (7) such records shall not be destroyed or removed from the state for one year following the completion of this company's work on this project; and (8) there has been no exception to the full and complete compliance with the provisions and requirements of Annual Wage Order No. _____ Section _____ issued by the Missouri Division of Labor Standards and applicable to this project located in _____ County, Missouri, and completed on the _____ day of _____, _____.

The matters stated herein are true to the best of my information, knowledge, and belief. I acknowledge that the falsification of any information set out above may subject me to criminal prosecution pursuant to §§290.340, 570.090, 575.040, 575.050, or 575.060, RSMo.

Signature

Subscribed and sworn to me this _____ day of _____, _____.

My commission expires _____, _____.

Notary Public

Receipt by Authorized Public Representative



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS
PREVAILING WAGE COMPLAINT FORM
For Workers on Public Works Projects
Sections 290.210-290.340, RSMo
Section 292.675, RSMo 10 Hour Construction Safety Training

Send completed form to:
Division of Labor Standards
Attn: Prevailing Wage Program
P.O. Box 449, Jefferson City, MO 65102-0449
Phone: 573-751-3403 Fax: 573-751-3721
E-mail: prevailingwage@labor.mo.gov
www.labor.mo.gov/DLS/PrevailingWage

Name _____ Date _____

Address _____

City _____ State _____ ZIP Code _____

Daytime Phone No. _____ Alternate Phone No. _____

E-mail Address _____

Type of Complaint *(Please check all appropriate boxes.)*

- ☐ Underpayment of wages
- ☐ Incorrect occupational title of workers for type of work performed
- ☐ Underpayment of fringe benefits *(please identify fringes below)*
- ☐ Health and Welfare ☐ Pension ☐ Vacation
- ☐ Other _____
- ☐ Failure to pay any fringe benefits
- ☐ No wage determination issued for project
- ☐ Failure to post wage determination
- ☐ Failure to report wage subsidy, bid supplement or rebate
- ☐ Failure to complete construction safety training pursuant to Section 292.675

PROJECT IDENTIFICATION – Complaint Against

Name of Contractor (Employer) _____

Address _____

Name of Business as Shown on Payroll Check _____

City _____ State _____ ZIP Code _____ County _____

Phone No.(s) _____

☐ General (Prime) Contractor _____ ☐ Subcontractor _____

Are you currently employed by this contractor? ☐ Yes ☐ No

If not, have you ever been employed by this contractor? ☐ Yes ☐ No

Period employed on this project (month, day, year) From: _____ To: _____

Type of project: ☐ Building ☐ Heavy/Highway

Project Name _____

Project Location _____

City _____ County _____

Contracting Public Body (who is this job for)? _____

Pursuant to §290.290, RSMo, contractors and subcontractors that have engaged in the construction of public works are required to keep their records for one year from the completion of the project.

Is project completed? ☐ Yes ☐ No If Yes, when? _____

☐ Check stubs/copies of payroll checks

☐ Photos/pictures of project/work performed

☐ Other information *(any supporting documentation)*

[illegible]

I, _____, do hereby affirm under penalties of perjury that the above-stated information is true and correct to the best of my knowledge, information, and belief.

Supporting Documents: Please return this form to the Division of Labor Standards with any documentation in support of the complaint. This includes, but is not limited to the following: name; check stubs; worksite photographs; copies of payroll checks; payroll ledgers; dates when public works construction was performed; and so forth.

PW-6-2 (05-15) AI



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CONTRACTOR PAYROLL RECORDS
(See Sections 290.210 to 290.340, RSMo and 8 CSR 30-3.010 to 8 CSR 30-3.060)

Name of <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor				Address of Contractor or Subcontractor: City: _____ State: _____ ZIP: _____ Phone Number: () - _____													
Name of Public Body				Address of Public Body: City: _____ State: _____ ZIP: _____ Phone Number: () - _____													
Payroll No.	For Week Ending / /	AWO	Project and Location										Project or Contract No.				
1. Name and Address of Employee	2. Occupational Title ***	3. Day and Date							4. Total Hours	5. Hourly Rate + Cash Fringe	6. Gross Amt Project Week	7. Deductions					8. Net Wages Paid for Week
		Day										FICA and Medicare	Federal and State Withhold- ing Tax	Other A	Other B	Total Deduc- tions	
		Date															
		Hours Worked Each Day															
		DT															
		OT															
		ST															
		DT															
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*** If a worker performs work in more than one occupational title, you must separately list the hours worked per occupational title and wage rates. ***

LS-57 (02-14) AI

FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic rates paid to each laborer or mechanic on the payroll, payments have been or will be made to appropriate programs for the benefit of these employees as shown in the following chart below. If fringe benefit amounts paid are the same for all employees, you may list the amount of each such identical fringe payment only once in the appropriate column; if the fringe benefit amounts vary by employee, list each employee's name and set out the amounts paid on behalf of each employee for each fringe benefit.

Employee Name	Health and Welfare (\$/hr)	Pension (\$/hr)	Vacation (\$/hr)	Holiday (\$/hr)	Appren- tice Training (\$/hr)	Other C (\$/hr)	Other D (\$/hr)	Total (\$/hr)	If "Other/Deduction" or Fringes, please explain. (Indicate Other A, B, C or D)	Identify by name, the plan, fund, or programs to which fringe benefits are paid. (Indicate H&W, Pension, etc.)

Date: _____

I, _____ (Name of Signatory Party), _____ (Title) do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ (Contractor or Subcontractor) on the _____ (Building or Work); that during the payroll period commencing seven (7) days prior to the week ending date of _____ all persons employed on said project have been paid the full weekly wages stated above, that no rebates have been or will be made either directly or indirectly to or on behalf of _____ (Contractor or Subcontractor), from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than legally permissible deductions, that full and accurate records clearly indicating the names, occupations, and crafts of every worker employed by them in connection with the public work together with an accurate record of the number of hours worked by each worker and the actual wages paid for each class or type of work performed and deduction made for each worker have been prepared, that these payroll records are kept and have been provided for inspection to the authorized representative of the contracting public body and will be available as often as may be necessary and such records shall not be destroyed or removed from the state for the period of one year following the completion of the public work in connection with which the records are made.

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage order incorporated into the contract; that the occupational title set forth herein for each laborer or mechanic conform with the work performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a state apprenticeship agency recognized by the Office of Apprenticeship (OA), U.S. Department of Labor (USDOL), or if no such recognized agency exists in a state, are registered with the OA, USDOL.

Name and Title	Signature
The falsification of any of the above statements may subject the contractor or subcontractor to criminal prosecution. See Sections 290.340, 570.090, 575.050, and 575.060, RSMo.	

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program.



**INSTRUCTION SHEET FOR LS-57
(CONTRACTOR PAYROLL RECORDS)**

Contractor or Subcontractor: Fill in your firm's name and check appropriate box.

Address: Fill in your firm's address and noted information.

Name of Public Body: Name of public entity for which work is being performed or who issued contract.

Address: Address of public entity.

Payroll No.: Begin with payroll No. 1.

Payroll reports must be submitted each week. If work was not performed in specified week, note "No Work".

For Week Ending: List the workweek ending date.

AWO: Indicate Annual Wage Order Number.

Project and Location: Name of Project/Project Location.

Project or Contract No.: Indicate Project Number or Contract Number.

- 1. Name and Address of Employee:** List workers that worked on project for the listed week. Enter each worker's full name and address on weekly payroll. **Both the name and address must be listed.**
- 2. Occupational Title:** List the occupational title of each worker. A worker may perform work under different occupational titles. The employer must keep accurate records showing the breakdown of hours worked for each occupational title. For a list of occupational titles, visit <http://www.sos.mo.gov/adrules/csr/current/8csr/8c30-3.pdf>.
- 3. Day and Date:** List day of week in the top row (Su – M – Tu – W – Th – F – Sa), begin with the first day of the pay period. List calendar date in the bottom row (1, 2, 3, 4, 5, 6, 7...).
- Hours worked:** Record number of hours worked per day.
Straight Time (ST), Overtime (OT), Double Time (DT), if applicable.
- 4. Total Hours:** Total hours worked for the listed week on this project.
- 5. Hourly Rate of Pay:** List the actual hourly rate paid for straight time worked (include regular hourly rate plus hourly rate of any additional amount paid in cash in lieu of providing fringe benefits). When overtime is worked, show the overtime hourly rate paid (include the regular overtime hourly rate plus hourly rate of any amount paid in cash in lieu of fringe benefits) in the "Overtime" box for each worker.

6. **Gross Amount Earned:** TOP CORNER – Project gross amount earned this pay period, on this project for the listed week. LOWER CORNER – Week total gross amount earned during week for work on all projects. If part of a worker's weekly wage was earned on projects other than the project described on given payroll, then the gross amount earned is gross earned for the week on all projects (example: "\$163/\$420" would reflect a worker who earned \$163 on a public works construction project and a total of \$420 from all work performed for the listed week, including the public works project).
7. **Deductions:** Complete all required deductions. List any additional deductions in the "Other" column. Add all deductions, and place total in the "Total Deductions" column. On page 2 of the form, describe the deduction(s) contained in the "Other" columns in the space provided. If an individual worked on other jobs in addition to this project, show actual deductions from the weekly gross wage.
8. **Net Wages Paid for Week:** Net wages paid for the listed week on all projects. This is the take-home amount for the week.

Page Two (Back of Form)

FRINGE BENEFITS – Identify the type of fringe benefits provided and list the amounts actually paid for each fringe benefit to each employee for the pay period (if fringe benefit amounts paid are the same for all employees, you may list the amount of each identical fringe payment only once in the appropriate column; if the fringe benefit amounts vary by employee, list each employee's name and set out the amounts paid on behalf of each employee for each fringe benefit).

Any contractor making payments to approved plans, funds, or programs in amounts less than the wage determination requires (or not making such fringe payments at all), is obliged to pay the deficiency directly to the covered worker as cash in lieu of fringe benefits. The contractor must pay an amount not less than the prevailing wage rate applicable to each worker (both the cash and fringe benefits portions) for all hours worked. Any combination of wages paid and fringe benefits provided, however, is acceptable.

Required Statement: An authorized agent of the contractor or subcontractor must complete and sign the "statement of compliance." The entry of any false information in this form will result in the agent and the contractor or subcontractor being subject to criminal prosecution and penalties under §§ 290.340, 575.050, 575.060, and 575.080, RSMo.



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
CONTRACTOR'S WAGE SURVEY

PROJECT INFORMATION	
Contractor's Name, Address, and Telephone Number	Please Select One: <input type="checkbox"/> Collective Bargaining Agreement Rate <input type="checkbox"/> Non-Collective Bargaining Agreement Rate County _____
Dates of Work Reported Below Beginning _____ Ending _____ _____ / _____ / _____	Description _____ Type of Construction: <input type="checkbox"/> Building <input type="checkbox"/> Heavy and Highway
E-mail _____	Website _____

Occupational Title(s)	No. of Employees	Total Hours	Basic Hourly Rate	Hourly Fringe Benefits Payments						
				H & W	Pension	Vacation	App. Tr.	Suppl.	Holiday	Other

The Contractor's Wage Survey must be submitted to the Division of Labor Standards by January 31.

Certification

To the best of my knowledge, information and belief, I hereby certify that the number of hours, basic hourly rate, and fringe benefit payments listed above are true and correct and that the type of work performed by the number of employees identified above, relative to the Occupational Title(s) reported, is consistent with 8 CSR 30-3.060. I further recognize that any false statement or declaration made herein is punishable under Section 290.340, 570.090, 575.050, and 575.060, RSMo.

(Please check appropriate box)

- ☐ Signature of Contractor's Representative Who Prepared This Report
☐ Signature of Preparer of This Report

Date _____

Printed Name _____

Title _____

Mail or fax completed form to:
 Missouri Department of Labor and Industrial Relations
 DIVISION OF LABOR STANDARDS
 Attn: Prevailing Wage Section
 P.O. Box 449
 Jefferson City, MO 65102-0449

Contact Information:
 Phone: 573-751-3403
 Fax: 573-751-3721
 E-mail: prevailingwage@labor.mo.gov
 Website: www.labor.mo.gov/DLS

The Division of Labor Standards requests your participation in our Prevailing Wage Survey. Surveys are conducted throughout the year to determine the prevailing wages paid to construction workers in all Missouri counties and the city of St. Louis. Your responses to this survey are your opportunity to participate in establishing the state's prevailing wages.

Please complete the survey form on the other side according to the instructions given below. Complete all spaces on the form or indicate "N/A" for not available where appropriate. You must complete the Project Information entirely for your survey to be accepted.

- 1) Indicate the dates when the work was performed.
- 2) Indicate whether the work performed was paid at a Collective Bargaining Agreement Rate or a Non-Collective Bargaining Agreement Rate.
- 3) Indicate the type of construction (See 8 CSR 30-3.040)
 - BUILDING – sheltered enclosure with walk-in access for the purpose of housing persons, machinery, equipment or supplies.
 - HEAVY AND HIGHWAY – antenna towers, channels, levees, pipe lines, sewers, etc.

Hours worked on residential construction (single family homes or apartment buildings of less than four stories) and general maintenance should not be reported on this survey. Accordingly, wage data for ALL commercial construction SHOULD be reported.

- 4) Provide the project information for each project you are reporting. If you require additional forms, visit www.labor.mo.gov/DLS/forms/LS-04-AI.pdf.
- 5) Please report only wages and fringe benefits paid for actual hours worked. We cannot accept wage information that is estimated or averaged.
- 6) Indicate the total number of employees and their hours worked in each occupational title. This must be consistent with the occupational titles identified in 8 CSR 30-3.060 (i.e., carpenter, plumber, electrician (inside wireman), operating engineer Group I, etc.). Multiple hourly rates paid to workers require a separate line for each occupational title and rate.

Wage rates should be reported only for journeyman workers. Do not include wages paid to apprentice workers. Supervisors that are working foremen (those working with the tools) may be reported at the journeyman rate for the hours that they are working with the tools, but only if they are receiving wages higher than the journeyman rate.
- 7) In the space provided, include the printed name, title, and signature of the person preparing this report.

Thank you for participating in this wage survey. We encourage you to continue to participate by periodically submitting additional reports. If you have any questions or suggestions, please contact us at 573-751-3403 or prevailingwage@labor.mo.gov.

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program.

Resources for Contractors/Public Bodies

Registering Your Business:

Register with the Secretary of State's Office - www.sos.mo.gov/business/

The Secretary of State's Office can help you establish the name, ownership, address and location, and tax information for your business.

Register with the Missouri Department of Revenue - www.dor.mo.gov/business/

The Missouri Department of Revenue administers Missouri's business tax laws. Make sure your business is registered for the appropriate tax type.

Get Workers' Compensation Coverage - www.labor.mo.gov/DWC/Employers/

In the state of Missouri you are required to carry workers' compensation insurance if you have five or more employees, unless you are in the construction industry, then you must carry workers' compensation insurance if you have one or more employees.

Acquire Licensing Information - www.difp.mo.gov/licensing/

Apply, renew, and manage your professional license with the Department of Insurance, Financial Institutions, and Professional Registration.

FREE State Programs/Services:

Learn about Tax Credit Program - www.ded.mo.gov/pdfs/RebuildCommTaxCr.pdf

The Missouri Department of Economic Development provides tax credits to eligible businesses that locate, relocate, or expand their business within a distressed community.

Download FREE Required Workplace Posters - www.labor.mo.gov/posters/

Various state and federal laws require employers to display certain posters for the benefit of both employees and customers informing them of key provisions in the law.

Community Development Block Grant Program –

www.ded.mo.gov/BCS%20Programs/BCSProgramDetails.aspx?BCSProgramID=10

The Community Development Block Grant program is a flexible program that provides communities with resources to address a wide range of unique community development needs.

On-Site Safety and Health Consultation – www.labor.mo.gov/onsite

The Division of Labor Standards' On-Site Safety and Health Consultation Service can assist you in making your workplace safer and help avoid costly penalties imposed by OSHA. Learn how to reduce your workers' compensation rates and avoid OSHA targeted inspections.

Linked Deposit Program - www.treasurer.mo.gov/content/low-interest-loans

The Linked Deposit Program partners with lending institutions to provide low-interest loans to help create and retain jobs, expand the economy, and strengthen communities statewide.

On-the-Job Training for Employees -

www.jobs.mo.gov/employer/programs-incentives/on-the-job-training

On-the-Job Training can reimburse your business for wages paid to new hires during the period you are teaching them the skills they need for the job.

Helpful Information:

Missouri Business Portal - *www.business.mo.gov/resources.asp*

The State of Missouri wants to help you develop your business in every way possible. The Business Portal has a list of state and federal resources to help your business thrive.

See list of Transient Employers - *www.sos.mo.gov/adrules/moreg/moreg.asp*

The Missouri Register contains a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers.

See list of Registered Agents - *http://www.sos.mo.gov/business/corporations/generalInfo.asp*

The Secretary of State's office provides a listing of service companies that, as a part of their business, offer to act as a registered agent for a new business formation.

Davis Bacon Act (federal prevailing wage) - *www.dol.gov/whd/*

The Davis-Bacon Act requires contractors and subcontractors to pay their laborers and mechanics employed under contract no less than the local prevailing wage and fringe benefits for corresponding work on similar projects in the area.

OSHA Requirements - *www.osha.gov/dcsp/compliance_assistance/quickstarts/index.html*

Learn how to prevent workplace injuries and illnesses and comply with the Occupational Safety and Health Act.

Missouri One Call System - *www.molcall.com/*

Missouri law requires that a locate request be placed before beginning any excavation on any facilities. Before building, contact Missouri One Call System to make sure there are no underground hazards before excavating.

Lead Abatement - *www.health.mo.gov/safety/leadlicensing/*

Businesses wanting to conduct lead-bearing substance activities in Missouri must apply for a license and provide all of the information requested.

Building Green – *http://energy.mo.gov/energy*

The Missouri Department of Economic Development assists, educates, and encourages Missouri businesses to advance the efficient use of diverse energy resources to provide for a healthier environment and to achieve greater energy security for future generations.

Information about Illegal Alien Workers - Missouri Attorney General's Office -

www.ago.mo.gov/divisions/consumer/unauthorized-alien-workers

Missouri law prohibits a business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the state of Missouri.

Information about Workers' Compensation Fraud/Noncompliance -

www.labor.mo.gov/DWC/Forms/WC-259-AI.pdf

Liable employers that fail to provide coverage for their employees *or* do not report workplace injuries/deaths to the Division of Workers' Compensation by the time set out by law will be investigated for either noncompliance or fraud.

Worker Misclassification/1099 Fraud - *www.labor.mo.gov/offthebooks/*

Misclassification of workers is not only wrong, it's against the law. Employers that misclassify employees as independent contractors cut costs by not paying unemployment contributions, workers' compensation insurance and social security withholdings.

Child Support Wage Withholding - *http://dss.mo.gov/cse/index.htm*

As a Missouri employer, you must report all new employees to the Missouri Department of Revenue to provide salary and benefit information within 20 days of the hire. It may be necessary to withhold employee's wages and pay to the family support division.

Avoiding Workplace Discrimination – *www.labor.mo.gov/mohumanrights/Discrimination/employment*

The Missouri Human Rights Act makes it illegal to discriminate in any aspect of employment because of an individual's race, color, religion, national origin, ancestry, sex, disability or age (40 through 69).

Mediation Information for Bargaining Units - *www.labor.mo.gov/SBM/*

The State Board of Mediation is statutorily charged with the responsibility for determining appropriate bargaining units of public employees that request the establishment of such units and for conducting elections to determine the exclusive bargaining representative for those units.

Check out our web tools at *www.labor.mo.gov*!